



## Division of Geology

### Geological Survey

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Department of the Interior  
Washington, D. C.

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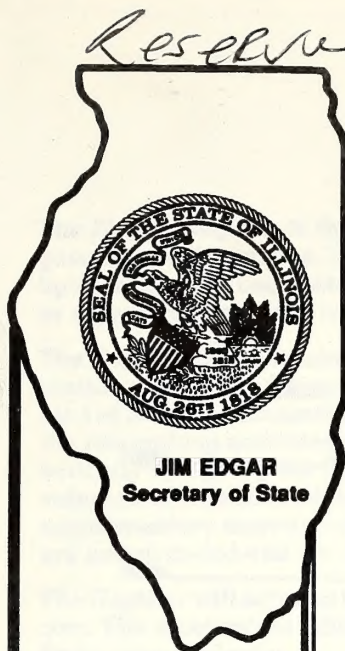
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Secretary of State

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# ILLINOIS REGISTER

## Rules of Governmental Agencies

### TABLE OF CONTENTS

<b>PROPOSED RULES</b>	<b>PAGE</b>
<b>COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF</b>	
Service Delivery System & State Responsibilities; 56 Ill. Adm. Code 2600 .....	4331
State Administration of the Federal Low-Income Home Energy Assistance Block Grant Program; 47 Ill. Adm. Code 100 .....	4358
Training Services for the Disadvantaged; 56 Ill. Adm. Code 2610 .....	4366
<b>COMMUNITY COLLEGE BOARD, ILLINOIS</b>	
Administration of the Ill. Public Community College Act; 23 Ill. Adm. Code 1501 .....	4394
<b>CONSERVATION, DEPARTMENT OF</b>	
Cock Pheasant, Hungarian Partridge, Bobwhite Quail, Rabbit & Crow Hunting; 17 Ill. Adm. Code 530 .....	4399
Designation of Restricted Waters in the State of Ill.; 17 Ill. Adm. Code 2030 .....	4417
North Point Marina Vendors; 17 Ill. Adm. Code 230 .....	4430
Taking of Wild Turkeys - Fall Archery Season, The; 17 Ill. Adm. Code 720 .....	4435
White-Tailed Deer Hunting by Use of Firearms; 17 Ill. Adm. Code 650 .....	4442
Woodcock, Snipe, Rail & Teal Hunting; 17 Ill. Adm. Code 740 .....	4458
<b>PUBLIC AID, DEPARTMENT OF</b>	
Administration of Social Service Programs; 89 Ill. Adm. Code 130 .....	4469
Aid to the Aged, Blind or Disabled; 89 Ill. Adm. Code 113 .....	4481
Demonstration Programs; 89 Ill. Adm. Code 170 .....	4490
<b>PUBLIC HEALTH, DEPARTMENT OF</b>	
Emergency Medical Services; 77 Ill. Adm. Code 535 .....	4500
Ill. Plumbing Code; 77 Ill. Adm. Code 890 .....	4543
Ill. Trauma Center Code; 77 Ill. Adm. Code 540 .....	4616
<b>REHABILITATION SERVICES, DEPARTMENT OF</b>	
Sequential Evaluation Process for the Determination of Disability; 89 Ill. Adm. Code 845 .....	4641
<b>ADOPTED RULES</b>	
<b>CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF</b>	
Day Care; 89 Ill. Adm. Code 1300 .....	4644
<b>COMMERCE COMMISSION, ILLINOIS</b>	
Charitable Contributions; 83 Ill. Adm. Code 325, Repeal of .....	4648
Designation of Agent; 83 Ill. Adm. Code 215 .....	4650
Motor Carrier of Property Fitness Standards; 92 Ill. Adm. Code 1304 .....	4654
Practice Before the Independent Review Board; 92 Ill. Adm. Code 1235 .....	4658
<b>COMPTROLLER</b>	
Public Radio & Television Station Grants; 74 Ill. Adm. Code 280 .....	4664
<b>MILITARY AFFAIRS, DEPARTMENT OF</b>	
Loan of Military Artifacts; 23 Ill. Adm. Code 3300 .....	4672
<b>PUBLIC HEALTH, DEPARTMENT OF</b>	
Alcoholism & Intoxication Treatment Programs; 77 Ill. Adm. Code 200, Repeal of .....	4681
Skilled Nursing & Intermediate Care Facilities Code; 77 Ill. Adm. Code 300 .....	4684
<b>RACING BOARD, ILLINOIS</b>	
Licensing; 11 Ill. Adm. Code 502 .....	4931
<b>SECRETARY OF STATE</b>	
Credit Services Organizations; 14 Ill. Adm. Code 177 .....	4937
Remittance Agents; 92 Ill. Adm. Code 1019 .....	4944

(continued on next page)



## AGENCY NOTICES OF MODIFICATION, WITHDRAWAL OR REFUSAL TO PROPOSED RULES

MILITARY AFFAIRS, DEPARTMENT OF	
Loan of Military Artifacts; 23 Ill. Adm. Code 3300; Refusal .....	4957

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received .....	4958
-------------------------------	------

## EXECUTIVE ORDERS AND PROCLAMATIONS

EXECUTIVE ORDER	
89-2 - Executive Order Creating A Science & Technology Advisor to the Governor .....	4960

PROCLAMATIONS	
89-097 - Belarusian/Byelorussian Day .....	4962
89-098 - Breastfeeding Promotion Month .....	4963
89-099 - High Blood Pressure Month .....	4964
89-100 - Jesse White Day .....	4965
89-101 - Library Week .....	4966
89-102 - Professional Secretaries Week/Professional Secretaries Day .....	4967
89-103 - School Library Day .....	4968
89-104 - Veterinary Medical Education Week .....	4969
89-105 - American Vintage Wristwatch Day .....	4970
89-106 - Gamma Phi Circus Week .....	4971
89-107 - Ill. Employee Fitness Day .....	4972
89-108 - Parks & Recreation Month .....	4973
89-109 - Building Safety Week .....	4974
89-110 - Groundwater Protection Month .....	4975
89-111 - Ill. Cooperative Extension Day .....	4976
89-112 - Ill. Industry Appreciation Day .....	4977
89-113 - Post Anesthesia Nurse Awareness Week .....	4978
89-114 - Recycling Week .....	4979
89-115 - Public Health Professionals: Peers & Partners Week .....	4980
89-116 - Business Opportunity Days .....	4981
89-117 - Drinking Water Week .....	4982
89-118 - Ill. Science Day .....	4983

## CUMULATIVE INDEX

1989 Index - Issue #1 thru Issue #14 .....	CI-1
--	------

## SECTIONS AFFECTED INDEX

1989 Index - Issue #1 thru #13 .....	SAI-1
1989 Index - Issue #14 .....	SAI-21



## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

## REGISTER PUBLICATION SCHEDULE 1989

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 20, 1988	Dec. 27, 1988	1	Jan. 6, 1989	June 27, 1989	July 3, 1989 (Mon.)	28	July 14, 1989
Dec. 27, 1988	Jan. 3, 1989	2	Jan. 13, 1989	July 3, 1989 (Mon.)	July 11, 1989	29	July 21, 1989
Jan. 3, 1989	Jan. 10, 1989	3	Jan. 20, 1989	July 11, 1989	July 18, 1989	30	July 28, 1989
Jan. 10, 1989	Jan. 17, 1989	4	Jan. 27, 1989	July 18, 1989	July 25, 1989	31	Aug. 4, 1989
Jan. 17, 1989	Jan. 24, 1989	5	Feb. 3, 1989	July 25, 1989	Aug. 1, 1989	32	Aug. 11, 1989
Jan. 24, 1989	Jan. 31, 1989	6	Feb. 10, 1989	Aug. 1, 1989	Aug. 8, 1989	33	Aug. 18, 1989
Jan. 31, 1989	Feb. 7, 1989	7	Feb. 17, 1989	Aug. 8, 1989	Aug. 15, 1989	34	Aug. 25, 1989
Feb. 7, 1989	Feb. 14, 1989	8	Feb. 24, 1989	Aug. 15, 1989	Aug. 22, 1989	35	Sept. 1, 1989
Feb. 14, 1989	Feb. 21, 1989	9	Mar. 3, 1989	Aug. 22, 1989	Aug. 29, 1989	36	Sept. 8, 1989
Feb. 21, 1989	Feb. 28, 1989	10	Mar. 10, 1989	Aug. 29, 1989	Sept. 5, 1989	37	Sept. 15, 1989
Feb. 28, 1989	Mar. 7, 1989	11	Mar. 17, 1989	Sept. 5, 1989	Sept. 12, 1989	38	Sept. 22, 1989
Mar. 7, 1989	Mar. 14, 1989	12	Mar. 24, 1989	Sept. 12, 1989	Sept. 19, 1989	39	Sept. 29, 1989
Mar. 14, 1989	Mar. 21, 1989	13	Mar. 31, 1989	Sept. 19, 1989	Sept. 26, 1989	40	Oct. 6, 1989
Mar. 21, 1989	Mar. 28, 1989	14	Apr. 7, 1989	Sept. 26, 1989	Oct. 3, 1989	41	Oct. 13, 1989
Mar. 28, 1989	Apr. 4, 1989	15	Apr. 14, 1989	Oct. 3, 1989	Oct. 10, 1989	42	Oct. 20, 1989
Apr. 4, 1989	Apr. 11, 1989	16	Apr. 21, 1989	Oct. 10, 1989	Oct. 17, 1989	43	Oct. 27, 1989
Apr. 11, 1989	Apr. 18, 1989	17	Apr. 28, 1989	Oct. 17, 1989	Oct. 24, 1989	44	Nov. 3, 1989
Apr. 18, 1989	Apr. 25, 1989	18	May 5, 1989	Oct. 24, 1989	Oct. 31, 1989	45	Nov. 13, 1989 (Mon.)
Apr. 25, 1989	May 2, 1989	19	May 12, 1989	Oct. 31, 1989	Nov. 7, 1989	46	Nov. 17, 1989
May 2, 1989	May 9, 1989	20	May 19, 1989	Nov. 7, 1989	Nov. 14, 1989	47	Nov. 27, 1989 (Mon.)
May 9, 1989	May 16, 1989	21	May 26, 1989	Nov. 14, 1989	Nov. 21, 1989	48	Dec. 1, 1989
May 16, 1989	May 23, 1989	22	June 2, 1989	Nov. 21, 1989	Nov. 28, 1989	49	Dec. 8, 1989
May 23, 1989	May 30, 1989	23	June 9, 1989	Nov. 28, 1989	Dec. 5, 1989	50	Dec. 15, 1989
May 30, 1989	June 6, 1989	24	June 16, 1989	Dec. 5, 1989	Dec. 12, 1989	51	Dec. 22, 1989
June 6, 1989	June 13, 1989	25	June 23, 1989	Dec. 12, 1989	Dec. 19, 1989	52	Dec. 29, 1989
June 13, 1989	June 20, 1989	26	June 30, 1989	Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990
June 20, 1989	June 27, 1989	27	July 7, 1989	Dec. 26, 1989	Jan. 2, 1990	2	Jan. 12, 1990

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).





- 1) Heading of the Part: Service Delivery System and State Responsibilities
- 2) Code Citation: 56 Ill..Adm. Code 2600
- 3) Section Numbers: 2600.20 Proposed Action: Amendment
- 4) Statutory Authority: Implementing Section 4 of the Job Training Partnership Act (P.L. 97-300, effective October 13, 1982, as amended by P.L. 97-404, effective December 31, 1982; P.L. 99-496, effective October 16, 1986; P.L. 99-570, effective October 27, 1986; and P.L. 100-418, effective August 23, 1988 and authorized by Section 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 46.42).
- 5) A Complete Description of the Subjects and Issues Involved: Revisions to the definitions found in Section 2600.20 of the rules are being promulgated to incorporate changes necessitated by rules issued by the U.S. Department of Labor in the March 7, 1988 Federal Register (53 FR 7256).
- 6) Will these proposed amendments replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporations by reference? Yes, under Section 6.02(a) of the Illinois Administrative Procedure Act.
- 9) Are there any proposed amendments pending on this Part? Yes.

Section Numbers:	Proposed Action:	Illinois Register Citation:
2600.20	Amendment	March 24, 1989 13 Ill. Reg. 3515
2600.30	Amendment	March 24, 1989 13 Ill. Reg. 3515

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1987, ch. 85, par. 2203).
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after this edition of the Illinois Register to the following:

Mr. Dennis R. Whetstone, Deputy Director  
Department of Commerce and Community Affairs

- Program Administration Bureau  
620 East Adams Street, 5rd Floor  
Springfield, Illinois 62701  
(217) 785-6136
- 12) Initial Regulatory Flexibility Analysis:
- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 28, 1989
- B) Types of small businesses and small municipalities affected: There will be no direct effect on small businesses or small municipalities as a result of this rulemaking.
- C) Reporting, bookkeeping or other procedures required for compliance: No reporting, bookkeeping or other compliance procedures are being imposed on either small businesses or small municipalities.
- D) Types of professional skills necessary for compliance: This is not applicable since small businesses and small municipalities are not directly affected by this rulemaking.

The full text of the Proposed Amendments begins on the next page:







## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

"Citizenship" - Designation of an applicant as a citizen or "eligible noncitizen" whose status permits permanent employment in the United States. (For JTPA recordkeeping purposes, "eligible noncitizen" includes nationals of the United States, lawfully admitted permanent resident aliens, lawfully admitted refugees and parolees, and other individuals authorized by the Attorney General to work in the United States).

"Community Task Force" - The Community Task Force is an advisory board to a regional dislocated worker center or JTPA Title III Project. Representation on the Community Task Force shall include, but is not limited to, the private sector, organized labor, local government, education, Job Service, Private Industry Council (PIC), financial community, and local social service providers. The Department recommends, if feasible for the local area, that community task forces become subcommittees of the local Private Industry Councils.

"Continued Unsubsidized Employment" - A participant who was employed at the time of enrollment in JTPA and maintained that employment throughout program participation and termination.

"Continuing CETA Participant" - Any individual who on September 30, 1983 is enrolled in any service, training or subsidized employment program under the Comprehensive Employment and Training Act (CETA) (29 U.S.C. 801, effective October 27, 1978), and who will continue to participate in such programs after enrollment in the Job Training and Partnership Act (JTPA), shall be considered a "continuing CETA participant."

"Department" - The Illinois Department of Commerce and Community Affairs.

"Discretionary Fund" - Funds reserved under Title III, Section 301(a) of the Act for distribution at the Secretary of Labor's discretion to serve individuals who are affected by mass layoffs, natural disasters, Federal Government actions, high unemployment areas, or designated enterprise zones. Governors shall apply for the funds to the Secretary.

"Dislocated Worker" - An individual who meets the eligibility requirements specified in 56 Ill. Adm. Code 2620.90.

"Displaced Homemaker" - A person who

has worked in the home for a substantial number of years providing unpaid household services for family members;

has difficulty in securing employment; and

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

was dependent on the income of another family member but is no longer supported by such income, or

was dependent on federal assistance but is no longer eligible for such assistance.

"Documented Job Search Criterion" - One month job search demonstrated by current registration with the Illinois Job Service.

"Economically Disadvantaged" - An individual who

receives, or is a member of a family which receives, cash welfare payments under a Federal, State, or local welfare program;

has, or is a member of a family which has, received a total family income for the six-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, and welfare payments) which, in relation to family size, was not in excess of the higher of

the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget, or

70 percent of the lower living standard income level;

is included in a Public Aid Food Stamp Assistance Unit (see 89 Ill. Adm. Code 121.70);

is a foster child on behalf of whom State or local government payments are made; or

is a homeless individual; or

is an adult handicapped individual whose own income meets the income requirements of this definition, but who is a member of a family whose income does not meet such requirements.

"Education Status" -

School Dropout - An adult or youth (aged 14 - 21) who is not attending school full-time and has not received a high school diploma or a General Education Diploma (GED) certificate.



DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

funded (e.g., publications, memberships, inordinate distribution of overhead or other costs, etc.).

"Entered Unsubsidized Employment" - The category for participants who, at termination from the program, entered (through the efforts of the grantee/subgrantee or through their own efforts) full- or part-time unsubsidized employment. Unsubsidized employment means employment not financed from funds provided under the Act and includes for JTPA reporting purposes, entry into the Armed Forces, entry into employment in a registered apprenticeship program, and trainees who became self-employed, were recalled or continued unsubsidized employment.

"Entry Employment Experience Program" - As specified in Section 205(d) of the Act, the following restrictions and limitations apply to this activity:

The job training plan may provide for the conduct of an "entry employment experience program" for youth who --

have completed preemployment skills training or its equivalent;

have not recently held a regular part-time or summer job for more than 250 hours of paid employment, except that this paragraph may be waived in accordance with criteria established in the job training plan; and

are enrolled in a secondary school or an institution offering a certified high school equivalency program and are meeting or have met the minimum academic and attendance requirements of that school or education program during the current or most recent term, with priority given to youth who do not plan to continue on to postsecondary education. Entry employment experiences may be up to 20 hours weekly during the school year or full time during the summer and holidays, for a total of not to exceed 500 hours of entry employment experience for any individual. Such experiences shall be appropriately supervised, including the maintenance of standards of attendance and worksite performance.

Entry employment experiences may be one of the following types:

Full-time employment opportunities in public and private nonprofit agencies during the summer and on a

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

Student (High School or Less) - An adult or youth (aged 14 - 21) who has not received a high school diploma or GED certificate and is enrolled full-time in an elementary, secondary or post-secondary level vocational, technical, or academic school, or is between school terms and intends to return to school.

High School Graduate or Equivalent (No Post-High School) - An adult or youth (aged 14 - 21) who has received a high school diploma or GED certificate, but who has not attended any post-secondary vocational, technical, or academic school.

Post-High School Attendee - An adult or youth (aged 14 - 21) who has received a high school diploma or GED certificate and has attended (or is attending) any post-secondary level vocational, technical, or academic school.

"Emancipated Youth" - An emancipated youth is a minor released from the control and supervision of his/her parent(s) or guardian(s) according to the provisions of The Emancipation of Mature Minors Act (1979) (Ill. Rev. Stat. 1985 1987, ch. 40, pars. 2201-2211).

"Employer Outreach" - Activities involving contacts with potential employers of JTPA participants for the purpose of acquiring current employment opportunities, listings and commitments. These activities include: promoting JTPA services with local employers, job fairs, local business conferences and seminars, and similar activities and events which are necessary and are designed with the clear intent to obtain job listings and openings or current job training opportunities.

"Employment Generating Activities" - Activities conducted for the purpose of encouraging expansion or creation of business which are not directly related to current employment and training opportunities for participants, but are intended to result in increased employment opportunities for JTPA-eligible individuals. These activities are not to be used as a substitute for economic development activities or for funds available for similar activities under other Federal programs. These activities include: special surveys, studies, community profiles, job skill forecasts, directly relevant travel and conference expenses, essential labor market and program analysis which does not duplicate other Federal or State funded efforts, consultant services, and similar activities which incur reasonable costs that are necessary for proper and efficient administration of funds granted, and are not a general expense of the organization



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

part-time basis in combination with education and training activities. These jobs shall provide community improvement services that complement local expenditures.

Tryout employment at private for-profit worksites, or at public and private nonprofit worksites when private for-profit worksites are not available. Compensation in lieu of wages for tryout employment shall be paid by the grant recipient, but the length of any assignment to a tryout employment position shall not exceed 250 hours. Tryout employment positions shall be the ones for which participants would not usually be hired (because of lack of experience or other barriers to employment), and vacancies in such positions may not be refilled if the previous participant completed the tryout employment but was not hired by the employer.

Cooperative education programs to coordinate educational programs with work in the private sector.

"Equitable Services" -

Services to substantial segments (race, sex, age, national origin) and to Work Incentive (WIN) registrants and school dropouts shall be equitable. Serving those segments and status groups (i.e., WIN registrants and school dropouts) at a level equal to their incidence in the eligible population, aged 16-64, as defined by the state, shall be considered equitable. Serving those segments at a level greater or lesser than that incidence shall be considered equitable if the Service Delivery Area (SDA)

targets services to specific groups and meets requirements of Section 141 of the Act, and provides justification for that targeting to those groups with greater need.

If, as a result of targeting or requirements of the Act, any substantial segment is served at a rate greater than its proportion within the eligible population, remaining substantial segments should be served proportionately."

"Excess Property" - Property under the control of any Federal or state agency which, as determined by the head thereof, is no longer required for its needs or discharge or its responsibilities.

"Expendable Personal Property" - All tangible personal property other than nonexpendable property.

"Family" - One or more persons living in a single residence who are related to each other by blood, marriage, or adoption. A step-child or a step-parent shall be considered to be related by marriage. Also, regardless of residence and/or citizenship, anyone claimed as a dependent on another person's Federal Income Tax return for the previous year shall be presumed to be part of the person's family for the current year. To negate this assumption, the person who was claimed as a dependent for income tax purposes would be required to provide information that demonstrates the individual is no longer financially dependent. Examples of information that may be provided would be a change in living arrangements or financial resources that would enable the person to become non-dependent. Regardless of living arrangements or tax dependency status, the following persons shall be considered a family of one when such consideration would result in the individual being determined eligible for program participation:

any person who is 55 years of age or older;

a handicapped person; or

an individual 18 years of age or older who receives less than 50 percent of his/her maintenance from the family, and also is not the head nor the spouse of the head of the household.

"Family Income" - All income from all sources actually received by all members of the family for the six month period prior to eligibility.

Family income shall INCLUDE:

Gross wages and salary (before deductions), except wages paid for work experience under the Act, but including wages and salary received for on-the-job training.

Net self-employment income (gross receipts minus operating expenses),

Other money income received from sources such as net rents, pensions, alimony, periodic income from insurance policy annuities, and other sources of income.



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

Family income shall NOT INCLUDE:

Old Age and Survivors Insurance benefits received under Title II of the Social Security Act of 1978 (42 U.S.C. 402(1983));

Non-cash income such as food stamps, or compensation received in the form of food or housing;

Imputed value of owner-occupied property, i.e., rental value;

Gifts;

Public assistance (e.g., Aid to Families with Dependent Children (AFDC) under Title IV of the Social Security Act (SSA) (42 U.S.C. 401(1983)), General Assistance (State or local government), Refugee Act of 1980 (8 U.S.C. 1521-1525 (1983)), or Supplementary Social Security Income (SSI) under Title XVI of the SSA (42 U.S.C. 1601-1602 (1983));

Cash payments received pursuant to a State plan approved under Titles I, IV, IX, XVI and XX of the Social Security Act of 1978 (42 U.S.C. 1, 201(a), 401, 402, 1001, 1002, 1601, 1602, 2001, 2002 (1983)) or disability insurance payments received under Title II of the Social Security Act of 1987 (42 U.S.C. 201 (1983));

Federal, State or Local Unemployment benefits;

Payments made to participants in employment and training programs, except wages paid for on-the-job training (OJT) (e.g., the JTPA (29 U.S.C. 1501, December 31, 1982) and Title V of the Older Americans Act of 1965 (42 U.S.C. 3001, December 29, 1981));

Capital gains and losses;

Fixed term, unearned income, such as but not limited to;

Payments received for a limited fixed term under income maintenance programs and supplemental (private) unemployment benefits plans;

One-time or fixed-term scholarship and

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

fellowship grants;

Accident, health, and casualty insurance proceeds;

Disability and death payments, including fixed term (but not lifetime) life insurance annuities and death benefits;

Inheritance, including fixed term annuities;

Fixed term workers' compensation awards;

Terminal leave pay;

Soil bank payments;

Agriculture crop stabilization payments;

Pay or allowances which were received by any veteran while serving on active duty in the Armed Forces;

Educational Assistance and Compensation Payments to Veterans and other eligible persons of 1958, Chapters 11, 13, 31, 34, 35, and 36 (38 U.S.C. 301, 401, 1501, 1650, 1700, 1770, September 2, 1958);

Payments received under the Trade Readjustment Act of 1974 (19 U.S.C. 2291, January 3, 1975);

Black Lung payments received under the Benefits Reform Act of 1977 (30 U.S.C. 901, December 29, 1981); and

Child support payments.

"Farm" - A farm is identified on the basis of sales alone and is defined as any place which produced agricultural products with annual sales of \$1,000 or more.

"Follow-Up" - The collection of information on a terminor's employment situation thirteen (13) weeks after termination from the program.

"Food Stamp Recipient" - An individual who is included in a Public Aid Food Stamp Assistance Unit (see 89 Ill. Adm. Code 121.70).



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

"Grant Recipient" - Grant recipients are particular types of grantees identified in an agreement required under Section 103(b)(1) of the Act between the chief elected official or officials and the private industry council in the SDA.

"Grantee" - An organization that receives funds from and performs activities on behalf of the Department of Commerce and Community Affairs.

"Grantor" - The Department of Commerce and Community Affairs.

"Handicapped Individual" - Any individual who has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment.

"Homeless Individual" - A homeless person is an individual who lacks a fixed, regular or adequate nighttime residence or whose primary nighttime residence is:

a supervised publicly or privately operated shelter designed to provide temporary living accommodations,

an institution that provides a temporary residence for individuals intended to be institutionalized, or

a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

"Illinois Job Training Coordinating Council" - The advisory body appointed by the Governor to make recommendations on issues related to employment and training in the State. The council shall be comprised of membership consistent with Section 122(a)(3) of the Act and shall perform those functions delineated in Section 122(b) of the Act and Public Act 83-1288, effective August 31, 1984 (Ill. Rev. Stat. 1985 ch. 48, pars. 2101 et seq.).

"Inactive Status Period" - The time period between last receipt of employment and/or training funded under a given title and the actual date of termination from the title.

"Income Maintenance" - Any program providing financial assistance to persons in financial need.

"Ineligible" - A participant who, subsequent to enrollment, was found to not meet eligibility requirements for participation in the JTPA title in which he or she was enrolled.

"Intake" - Includes the screening of an applicant for eligibility

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

to determine:

whether the program can benefit the individual (e.g., whether the applicant's educational and vocational needs can be met through the program);

the employment and training activities and services which would be appropriate for that individual;

availability of an appropriate employment and training activity;

a decision on selection for participation in accordance with 56 Ill. Adm. Code 2610.80; and

dissemination of information on the program (see 56 Ill. Adm. Code 2610.130(c)).

"Job-Specific Skills" - A PIC-Recognized Youth Employment Competency skill area which includes primary and secondary job-specific skills. Primary job-specific skills encompass the proficiency to perform actual tasks and technical functions required by certain occupational fields at entry, intermediate or advanced levels. Secondary job-specific skills entail familiarity with and the use of set-up procedures, safety measures, work-related terminology, recordkeeping and paperwork formats, tools, equipment and materials, and breakdown and clean-up routines.

"Job Training Plan" - A two year program plan for the SDA prepared in accordance with Section 104 of the Act and the Department's rules. (See 56 Ill. Adm. Code 2610)

"Joint Costs" - Joint costs means a cost which benefits more than one cost objective.

"Labor Force Status" -

Employed -

An individual who, during the 7 consecutive days prior to application to a JTPA program, did any work at all:

as a paid employee;

in his or her own business, profession or farm, or



DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

worked 15 hours or more as an unpaid worker in an enterprise operated by a member of the family; and

An individual who was not working, but has a job or business from which he or she was temporarily absent because of illness, bad weather, vacation, labor-management dispute, or personal reasons, whether or not paid by the employer for time off, and whether or not seeking another job. (This term includes members of the Armed Forces on active duty, who have not been discharged or separated, participants in registered apprenticeship programs; and self-employed individuals.)

Unemployed - An individual who did not work during the 7 consecutive days prior to application for a JTPA program, who made specific efforts to find a job within the past 4 weeks prior to application, and who was available for work during the 7 consecutive days prior to application (except for temporary illness).

Not in Labor Force - A civilian 14 years of age or over who did not work during the 7 consecutive days prior to application for a JTPA program and is not classified as employed or unemployed.

Employed Part-Time - An individual who is regularly scheduled for work less than 30 hours per week.

Unemployed 15 or More Weeks of Prior 26 Weeks - An individual who is unemployed at the time of application and has been unemployed for 15 or more weeks of the 26 weeks immediately prior to application, has made specific efforts to find a job throughout the period of unemployment, and is not classified as "Not in Labor Force".

"Limited English Language Proficiency" - Inability of an applicant, whose native language is not English, to communicate in English, resulting in a job handicap.

"Local Elected Official" - Includes all county and municipal officers (and their designees) such as county board members, mayors, and city or village council members.

"Lower Living Standard Income Level" - That income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary based on the most recent "lower living family budget" issued by the Secretary.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

"Major Plant Closing" - When plant closing employs over 100 persons.

"Mass Layoff" - When over 100 persons are on layoff from a plant.

"Mathematics Grade Level" - The grade level results for an adult or youth on mathematics skills as assessed on a generally accepted standardized test.

"Minimal Work History" - An adult or youth who did not work for the same employer for longer than three consecutive months in the two years prior to JTPA eligibility determination.

"Months received AFDC (last 30 months)" - the number of months an adult or youth (or the family of an adult or youth) received cash payments under AFDC (SSA Title IV) during any of the 30 months prior to eligibility determination.

"Nonexpendable Personal Property" - Tangible personal property having a useful life of more than one year and an acquisition cost of \$300 or more per unit.

"Offender" - An adult or youth who requires assistance in overcoming barriers to employment resulting from a record of arrest or conviction (excluding misdemeanors).

"Older Individual" - An individual who is 55 years of age or older.

"Older Worker" - An individual who is 55 years of age or older.

"Other Termination" - The termination of a participant who left the grantee's/subgrantee's program for a positive or non-positive reason other than to enter unsubsidized employment, or for youth a reason specified in the definition of "Youth Employability Enhancement Termination", 7-07

attained-Youth-Employment-Competency(ies):-

"Outreach" - An activity which involves the collection, publication, and dissemination of information on program services directed toward economically disadvantaged and other individuals eligible to receive JTPA training and support services.

"Participant" - An individual who has:

been determined eligible for participation upon intake and has



DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

started receiving employment, training, or services (except post-termination services) funded under the Act, following intake. Individuals who receive only outreach and/or intake and assessment services or post-program follow-up are excluded.

"Participant Carried Over" - A participant for whom there was an active participant record on file at the end of the previous program year.

"Part-Time Student" - An adult or youth who has not received a high school diploma or GED certificate but is enrolled in a secondary school or an institution offering a certified high school equivalency program on a less than full-time schedule.

"Personal Property" - Personal property of any kind except real property. It may be tangible - having physical existence, or intangible - having no physical existence, such as patents, inventions, and copyrights.

"PIC" - Private Industry Council.

"PIC Membership Selection Agreement" - An agreement negotiated pursuant to Section 102(d)(2) of the Act and Section 2600.40(e)(1) of this Part between chief elected officials within the SDA which specifies how members of the PIC shall be selected.

"Post Termination Services" - Supportive services available to individuals who terminate as, "entered employment," which are determined necessary to assist such individuals in retaining employment. These services may be provided for no more than 6 months following completion of training.

"Poverty Level" - The annual income level at, or below, which families are considered to live in poverty, as annually determined by the Department of Health and Human Services.

"Preemployment Skills Training Program" - As specified in Section 205(c) of the Act, the following restrictions and limitations apply to this activity:

The job training plan may provide for the conduct of a "preemployment skills training program" for youth, and individuals aged 14 and 15, with priority being given to those individuals who do not meet established levels of academic achievement and who plan to enter the full-time labor market upon leaving school.

The preemployment skill training program may provide youth

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

up to 200 hours of instruction and activities.

The instruction and activities may include - assessment, testing, and counseling;

occupational career and vocational exploration;

job search assistance;

job holding and survival skills training;

basic life skills training;

remedial education;

labor market information; and

job-seeking skills training.

"Pre-Employment Skills and Work Maturity Skills" - A PIC-Recognized Youth Employment Competency skill area which includes both pre-employment skills and work maturity skills. Pre-employment skills include world of work awareness, labor market knowledge, occupational information, values clarification and personal understanding, career planning, decision making, and job search techniques (e.g., resumes, interviews, applications, and follow-up letters). They also encompass survival/daily living skills such as using the telephone, telling time, shopping, making change, renting an apartment, opening a bank account and using public transportation. Work Maturity skills include positive work habits, attitudes, and behavior such as punctuality, regular attendance, presenting a neat appearance, getting along and working well with others, exhibiting good conduct, following instructions and completing tasks, accepting constructive criticism from supervisors and co-workers, showing initiative and reliability, and assuming the responsibilities involved in maintaining a job. This category also entails developing motivation and adaptability, obtaining effective interpersonal relations, coping and problem-solving skills, and acquiring an improved self image. Individuals should demonstrate proficiency in each of the following 11 core competencies. In order for an attainment to be reported in the area of pre-employment/work maturity, at least one PIC-certified competency statement must be developed/quantified in each of the following 11 core competencies - provided that at least 5 of these learning objectives were achieved during program intervention:



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

- making career decisions;
- using labor market information;
- preparing resumes;
- filling out applications;
- interviewing;
- being consistently punctual;
- maintaining regular attendance;
- demonstrating positive attitudes/behavior;
- presenting appropriate appearance;
- exhibiting good interpersonal relations; and
- completing tasks effectively.

"Previous Occupation SOC Codes" - The Standard Occupational Classification (SOC) codes associated with the client's previous employment.

"Private Industry Council" - The Council established pursuant to Section 102 of the Job Training Partnership Act (29 U.S.C. 1512, December 31, 1982). The Council will be comprised of membership consistent with Section 102(a) of the Act and will perform those functions delineated in Section 103(a) of the Act.

"Program Dropout" - A participant who, after enrollment, does not participate in the training and/or service activity(ies) in which he or she was enrolled sufficiently to benefit from the program.

"Program Year" - The months of July through June.

"Public Assistance" - Federal, State, or local government cash payments for which eligibility is determined by a need or income test. NOTE: This term is used for eligibility determination and includes the three groups included in "welfare recipient", plus recipients of Supplemental Security Income (SSI), but is not limited to these assistance programs.

"Race/Ethnic Group" - The basic racial and ethnic categories for use in all federally funded programs are defined by the Office of Management and Budget as follows:

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

White, Not Hispanic - A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

Black, Not Hispanic - A person having origins in any of the black racial groups of Africa.

Hispanic - A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

American Indian or Alaskan Native - A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

Asian or Pacific Islander - A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands, and Samoa. (Hawaiian Natives are included herein.)

"Reading Grade Level" - The English reading skills grade level for an adult or youth on a generally accepted standardized test.

"Real Property" - Land, including land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

"Recalled" - A client who, after enrollment in a JTPA program, returns to a firm from which he or she was laid off.

"Recipient" - The governor of the State of Illinois.

"Referral" - The act of bringing to the attention of an employer, a local office, a training sponsor, or a supportive service agency, an individual (or group of individuals) who need jobs, training, or related supportive services.

"Regional Dislocated Worker Assistance Center" - Employment and training assistance centers established to provide counseling, assessment, job search assistance, job development, training, placement, pre-layoff assistance, and relocation assistance to eligible dislocated workers.

"Registered Apprenticeship Program" - A formal written occupational training program which combines on-the-job training and related instruction and in which workers learn the practical



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

and conceptual skills required for a skilled occupation, craft, or trade. Apprenticeship programs must meet 22 criteria specified in 29 CFR 29.5 (1983) to be registered by the Secretary of Labor or designated state representative. Apprentices who complete the program are awarded a certificate of completion by the Bureau of Apprenticeship and Training and/or the state Apprenticeship Council in those states certified as meeting federal requirements.

"Relocation Assistance" - The activities necessary to arrange for a family to move to a new abode for the purpose of accepting long-duration employment. Activities may include, but are not limited to: the cost of the actual transfer of goods and property, including mileage for the family's travel; emergency assistance; rent subsidies; and other supportive services.

"Residence" - An individual's principle dwelling or home.

"SDA Grant Recipient" - The entity that receives JTPA funds for a service delivery area (SDA). SDA grant recipients are particular types of grantees.

"Secretary" - The Secretary of the United States Department of Labor.

"Service Delivery Area" (SDA) - An area comprised of one or more units of general local government designated by the Governor to promote effective delivery of job training services under JTPA in accordance with Section 101 of the Act.

"Selective Service Registrant" - Any individual who must register, as required by Section 3 of the Military Selective Service Act (50 U.S.C. App. 453 (1982)).

"Service Providers" - Those individuals, corporations, partnerships, firms, organizations, associations or institutions that carry out activities pursuant to Sections 123, 124, 204, 252 and 303 of the JTPA or receive JTPA funds under the supportive services or training cost categories.

"Single Head of Household with Dependent Children" - A single, abandoned, separated, divorced or widowed individual who has responsibility for one or more dependent children under age 18.

"State" - The State of Illinois.

"State Reserve Fund" - That portion of the State's formula allocated funds in accordance with Section 301(b) of P.L. 97-300 set aside to be administered at the State level to assist

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

communities affected by plant closings or mass layoffs as they occur.

"Subgrant" - An agreement between a grantee or subgrantee and a State or local government or other organization whereby the grantee or subgrantee provides funds or aid to carry out specified program services and activities.

"Subgrantee" - An organization that receives funds and performs activities on behalf of a grantee of the Department of Commerce and Community Affairs.

"Subsidized Employment" - Employment created in the public sector and in private for profit or nonprofit organizations which is financed by the recipient's program funds. Subsidized employment includes work experience. (On-the-Job Training (OJT) is a reportable training activity, rather than subsidized employment.)

"Summer Months" - The months of May through September.

"Teenage Parent" - Any individual, under 20 years of age, who has the responsibility for support of one or more dependent children.

"Terminal Leave Pay" - Severance pay or payment received in lieu of accrued benefits when an individual terminates employment.

"Termination" - The separation of a participant from a given title of the Act who is no longer receiving employment, training or services (except post-termination services) funded under that title. NOTE: Individuals may continue to be considered as participants for a period of 90 days after last receipt of employment or training funded under a given title.

"UC Claimant" - Any individual who has filed a claim and has been determined monetarily eligible for benefit payments under one or more State or Federal unemployment compensation (UC) programs, and who has not exhausted benefit rights or whose benefit year has not ended.

"UC Exhaustee" - Any individual who has exhausted his unemployment compensation benefits (not including Extended, Additional State, or Federal Supplemental Benefits) for which he has been determined monetarily eligible.

"Unsubsidized Employment" - Employment not financed from funds provided under the Act.

"Upgrading Training" - Training given to an individual who needs such training to advance above an entry-level or dead-end



DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

employment position.

"Veteran" - An individual who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.

NOTE: The term "active" means full-time duty in the Armed Forces, other than duty for training in the reserves or National Guard. Any period of duty for training in the reserves or National Guard, including authorized travel, during which an individual was disabled from a disease or injury incurred or aggravated in the line of duty, is considered "active" duty.

Recently Separated Veteran - A veteran whose last date of discharge or release from the Armed Forces occurred within 12 months of the date of application.

Disabled Veteran - A veteran

who is entitled to compensation under laws administered by the Veterans' Administration, or

an individual who was discharged or released from active duty because of a service-connected disability.

Vietnam-Era Veteran - A veteran any part of whose active military, naval, or air service was during the Vietnam Era (August 5, 1964 through May 7, 1975, per Presidential Proclamation 4373).

"Vocational Exploration Program (VEP)" - A program for the purpose of exposing individuals to the operation and types of jobs available in the private sector through observation of such jobs and instruction including, where appropriate, limited practical experience.

"Welfare Recipient" - An individual who receives or whose family receives cash payments under Aid to Families with Dependent Children (AFDC) (Social Security Act (SSA) Title IV) (42 U.S.C. 401 (1983)), General Assistance (State or local government), or the Refugee Act of 1980 (8 U.S.C. 1521-1525 (1983)). (For proposed performance standards purposes, this term excludes recipients of Supplementary Security Income (SSI) Title XVI of the Social Security Act (42 U.S.C. 1601, 1602 (1983)).

"Work Experience" - Work experience is a short-term or part-time, subsidized work assignment with an employing agency. Work

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

experience is prohibited in the private-for-profit sector unless the individual employed is a youth aged 16 to 21 inclusive, who is economically disadvantaged as required by Section 141(k) of the Act and the employment is provided in accordance with Section 205(d)(3)(B) of the Act.

"Youth" - An individual who is aged 16 through 21. (Individuals aged 14 and 15 may participate in a "preemployment skills training program" for youth).

"Youth Competency System" - A sufficiently developed youth employment competency system must include the following structural and procedural elements:

A system of services to JPPA participants through age 21 which shall include: --quantifiable learning objectives, related-----curricula/training-----modules,-----pre-and post-assessment, employment planning, documentation, and certification:

the system shall assist the individual in becoming proficient, as defined by the PIC, in one or more of the following skill areas in which the trainee is deficient: pre-employment/work-----maturity, basic-----education, or job-specific skills:

Quantifiable Learning Objectives - PIC-recognized competency statements that are quantifiable, employment-related, measurable, verifiable learning objectives that specify the proficiency to be achieved as a result of program participation. Employment competencies/quantifiable learning objectives approved by the PIC as relevant to the SDA must include a description of the skills/knowledge/attitudes/behavior to be taught, the levels of achievement to be attained, and the means of measurement to be used to demonstrate competency accomplishment. The level of achievement selected should enhance the youth's employability and opportunities for postprogram employment.

Related Curricula, Training Modules, and Approaches - Focused curricula, training modules, or behavior modification approaches which teach the employment competencies in which youth are found to be deficient. Such related activities, components, or courses must encompass participant orientation, work-site supervisor/instructor/community volunteer training, and staff development endeavors as appropriate. They also must include, as appropriate, relevant agreements,



DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

manuals, implementation packages, instructions, and guidelines. A minimum duration of training must be specified which allows sufficient time for a youth to achieve those skills necessary to attain his/her learning objectives.

Pre-Assessment - Assessment of participant employment competency needs at the start of the program to determine if youth require assistance and are capable of benefitting from available services. A minimum level of need must be established before a participant is eligible to be tracked as a potential "attained PIC-recognized youth employment competency" outcome. All assessment techniques must be objective, unbiased and conform to widely accepted measurement criteria. Measurement methods used must contain clearly defined criteria, be field tested for utility, consistency, and accuracy, and provide for the training/preparation of all raters/scorers.

Post-Assessment (Evaluation) - Evaluation of participant achievement at the end of the program to determine if competency-based learning gains took place during project enrollment. Intermediate checking to track progress is encouraged. All evaluation techniques must be objective, unbiased and conform to widely accepted evaluation criteria. Measurement methods used must contain clearly defined criteria, be field tested for utility, consistency, and accuracy, and provide for the training/preparation of all raters/scorers.

Employability Development Planning - Use of assessment results in assigning a youth to appropriate learning activities/sites in the proper sequence to promote participant growth and development, remedy identified deficiencies, and build upon strengths.

Documentation - Maintenance of participant records and necessary reporting of competency-based outcomes to document intra-program learning gains achieved by youth.

Certification - Proof of youth employment competency attainment in the form of a certificate for participants who achieve predetermined levels of proficiency to use as evidence of this accomplishment and to assist them in entering the labor market.

"Youth Employability Enhancement Termination" - An outcome for youth, other than entered unsubsidized employment, which is recognized as enhancing long-term employability and contributing

NOTICE OF PROPOSED AMENDMENTS

to the potential for long-term increase in earnings and employment. Outcomes which meet this requirement shall be restricted to the following:

Attained PIC-Recognized Youth Employment Competencies - A youth who, at termination, has demonstrated proficiency in youth employment competencies as defined by the PIC in two or more of the following three skill areas in which the trainee was deficient at enrollment: pre-employment/work maturity, basic education, or job-specific skills. During PY 188, competency attainment in one skill area will meet the definition. ~~demonstrated proficiency in the skill areas specified in the definition of "Youth Competency System"~~ ~~contained in this section.~~ Competency gains must be achieved through program participation and be tracked in accordance with the system of services specified in the definition of "Youth Competency System" contained in this Section.

Entered Non-Title II Training - Entered non-Title II training is a youth employability enhancement termination reason for a A youth who, at termination, entered an occupational skills employment/training program not funded under Title II of the JTPA, which builds upon and does not duplicate training received under Title II.

Returned to Full-Time School - A youth who, at termination, returned to full-time school if, at the time of application, the participant was not attending school and had not obtained a high school diploma or equivalent.

Completed Major Level of Education - Completed major level of education is a youth employability enhancement termination reason for a A youth who, at termination, had completed, during enrollment, a level of educational achievement which had not been reached at application. Levels of educational attainment are elementary, secondary, and post-secondary. To obtain credit, completion of a major level of education must result primarily from participation in a JTPA activity. Completions standards:

shall be governed by state standard or, at the Governor's discretion, local standards at the elementary level;

shall include a high school diploma, GED certificate or equivalent at the secondary level; and

shall require a diploma or other written



DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

certification of completion at the post-secondary level.

Completed Program Objectives - Completed program objectives is a youth employability enhancement termination reason for a A 14-15 year old who, at termination, completed program objectives as specified in the local job-training plan defined in approved exemplary youth project plans.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: State Administration of the Federal Low-Income Home Energy Assistance Block Grant Program

2) Code Citation: 47 Ill. Adm. Code 100

3) Section Numbers: 100.110  
Proposed Action: Amendment

4) Statutory Authority: Implementing Sections 2605(c)(1) and (d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), as amended by P.L. 99-425, effective September 30, 1986 and Sections 46.38 and 46.41 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, pars. 46.38 and 46.41) and authorized by Section 46.20 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 46.20).

5) A Complete Description of the Subjects and Issues Involved: The amendment to Section 100.110 of the "State Administration of the Federal Low-Income Home Energy Assistance Block Grant Program" rules allows the department to make supplemental assistance payments in accordance with the state plan.

6) Will these proposed amendments replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference? No.

9) Are there any proposed amendments pending on this Part? Yes.

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
100.70	Amendment	February 17, 1989 13 Ill. Reg. 1930
100.80	Amendment	June 3, 1988 12 Ill. Reg. 9287
100.85	Amendment	February 17, 1989 13 Ill. Reg. 1930
100.90	Amendment	February 17, 1989 13 Ill. Reg. 1930
100.110	Amendment	February 17, 1989 13 Ill. Reg. 1930
100.120	Amendment	February 17, 1989 13 Ill. Reg. 1930
100.240	Amendment	June 3, 1988 12 Ill. Reg. 9287
100.250	Amendment	June 3, 1988 12 Ill. Reg. 9287



100.270	Amendment	June 3, 1988 12 Ill. Reg. 9287	C) Reporting, bookkeeping or other procedures required for compliance: No reporting, bookkeeping or other compliance procedures are being imposed on either small businesses or small municipalities.
100.280	Amendment	June 3, 1988 12 Ill. Reg. 9287	
100.290	Amendment	June 3, 1988 12 Ill. Reg. 9287	
100. Appendix A	New Section	June 3, 1988 12 Ill. Reg. 9287	
100. Appendix B	New Section	June 3, 1988 12 Ill. Reg. 9287	
100. Appendix C	New Section	June 3, 1988 12 Ill. Reg. 9287	
100. Appendix D	New Section	June 3, 1988 12 Ill. Reg. 9287	D) Types of professional skills necessary for compliance: This is not applicable since small businesses and small municipalities are not directly affected by this rulemaking.
100. Appendix E	New Section	June 3, 1988 12 Ill. Reg. 9287	
100. Appendix F	New Section	June 3, 1988 12 Ill. Reg. 9287	

The full text of the Proposed Amendments begins on the next page:

These Appendixes will be changed to "E through J" when rules are adopted. This is necessary because other program amendments, proposed and adopted since this rulemaking was proposed, added Appendixes A through D.

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1987, ch. 85, par. 2203).

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after this edition of the Illinois Register to the following:

Mr. Dennis R. Whetstone, Deputy Director  
 Department of Commerce and Community Affairs  
 Bureau of Program Administration  
 620 East Adams Street, 5rd Floor  
 Springfield, Illinois 62701  
 (217) 782-6136

- 12) Initial Regulatory Flexibility Analysis:  
 A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 23, 1989

- B) Types of small businesses and small municipalities affected:  
 This rulemaking does not directly affect small businesses or small municipalities.



DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT  
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 100  
STATE ADMINISTRATION OF THE FEDERAL LOW-INCOME  
HOME ENERGY ASSISTANCE BLOCK GRANT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	
100.10	Legislative Base
100.20	Purpose and Scope
100.30	Definitions
100.40	Program Components (Recodified)
100.45	Determination of Household Eligibility (Recodified)
100.50	Grant Application Requirements (Recodified)
100.60	Eligible Grantees (Recodified)
100.70	Administrative Requirements
100.80	Non-discrimination
100.85	Dispute Procedures
100.90	Complaint Process
100.100	Incorporation by Reference

SUBPART B: ENERGY ASSISTANCE

Section	
100.110	Program Components
100.115	Cooling Assistance Component
100.120	Determination of Household Eligibility
100.130	Grant Application Requirements
100.140	Eligible Grantees

SUBPART C: WEATHERIZATION

Section	
100.210	Definitions
100.220	Allocation of Funds
100.230	Local Administering Agency Selection
100.240	Local Administering Agency Application
100.250	Minimum Program Requirements
100.260	Allowable Costs
100.270	Cost Restrictions
100.280	Standards and Techniques for Weatherization
100.290	Eligible Dwelling Units
100. Appendix A	FY'88 IHEAP Income Level Chart/Cooling
100. Appendix B	FY'88 IHEAP Assistance Level Chart/Cooling Payment Matrix
100. Appendix C	Medical Certification
100. Appendix D	Assistance Level Chart Map

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing Sections 46.38 and 46.41 and authorized by Section 46.20 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, pars. 46.38, 46.41 and 46.20).

SOURCE: Adopted and codified at 7 Ill. Reg. 2956, effective March 9, 1983; amended at 8 Ill. Reg. 8184, effective May 31, 1984; amended at 8 Ill. Reg. 16004, effective August 27, 1984; amended at 8 Ill. Reg. 20669, effective October 6, 1984; amended at 9 Ill. Reg. 10710, effective July 1, 1985; amended at 9 Ill. Reg. 18134, effective November 12, 1985; amended at 10 Ill. Reg. 8684, effective May 12, 1986; amended at 10 Ill. Reg. 21064, effective December 9, 1986; amended at 11 Ill. Reg. 682, effective December 18, 1986; recodified at 11 Ill. Reg. 4631; amended at 12 Ill. Reg. 757, effective December 23, 1987; amended at 12 Ill. Reg. 14639, effective September 6, 1988; amended at 12 Ill. Reg. 15530, effective September 19, 1988; amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 100.110 Program Components

a) As indicated in Section 100.10(b) of this Part, the State has certified to the federal government that it will use the funds available under the Home Energy Assistance Block Grant to provide assistance to eligible households to meet the costs of home energy, and more specifically to provide:

- 1) assistance in the form of a cash payment made directly to the eligible household should that household purchase home energy as an undesignated portion of rent;
- 2) payments to a home energy vendor on behalf of the eligible household;
- 3) low cost weatherization and/or energy-related home repairs applied directly to an eligible household's residence; and
- 4) emergency services to an eligible household in an energy-related life-or-health threatening situation.

b) In order to carry out this program the State will annually establish its program design. Contingent upon the amount of funding provided to the State, the program will consist of one or more of the following components:

- 1) Home Energy Assistance
- A) The first and largest component of the program is designed to provide eligible households with financial assistance to help them meet the rising costs of home energy. Home energy is defined as the



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

primary source of energy used by the eligible household to heat or, where medically necessary, cool the household's residence. Cooling assistance will be provided only if sufficient funds are remaining as of July 1 of the program year. The Illinois Home Energy Assistance Program will provide assistance to eligible households in two forms: direct cash assistance and payments made to vendors on behalf of eligible households.

- B) In order to carry out this component, the Department of Commerce and Community Affairs will utilize delegate agencies and/or local administering agencies to provide assistance.

2) Emergency Assistance

If sufficient funding is available, the Department of Commerce and Community Affairs will set aside an amount of the Illinois allocation for use in emergency situations. A distinction will be made between weather and supply emergencies which affect the entire eligible population and energy related emergencies which affect an individual household. Under this component, both types will receive consideration. In the event of a weather-related natural disaster, such as major blizzard, the Department of Commerce and Community Affairs will develop its response based upon what is needed to eliminate the threat to life and health. Activities under this component will be coordinated with the State Emergency Services and Disaster Agency, local disaster relief agencies, and the network of local administering agencies.

3) Home Weatherization Assistance

The Department of Commerce and Community Affairs will annually utilize up to the maximum 15 percent allowable under the provision of the law to operate a Weatherization component. The purpose of the Weatherization component is to decrease the amount of energy consumed by low-income households and thereby reduce the financial strain on the resources of such households. Energy assistance funds will be used to supplement the Weatherization program which is federally funded by the Department of Energy (DOE).

4) Supplemental Assistance

- A) The Department will operate a supplemental assistance

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

component which will provide supplemental energy assistance payments to households who are eligible for energy assistance (see Section 100.120 for eligibility) and have participated in a percentage of income payment program. A percentage of income program is designed to lower eligible low-income utility customers bills to allow them to pay a percentage of their income toward their utility bills. Operation of this component is contingent upon availability of funds through state appropriations.

- B) The supplemental payments will be made on the household's behalf to all energy vendors who provide or have provided service pursuant to a percentage of income payment program. The actual amount of the supplemental payments will be the difference between the cost of energy used by the household and payments made on the household's account. This includes both payments made directly by the household and payments received by the energy vendor on the household's behalf. In accordance with this Section, the Department has agreed to make supplemental payments to utility companies that participate in percentage of income payment programs in Illinois.

- C) In order for the Department to make supplemental payments to utility companies, the amount must be investigated and verified with individual customer accounts for the purpose of insuring accuracy of supplemental payments through one of the following methods:

- i) The Illinois Commerce Commission (ICC) administers the Illinois Residential Affordable Payment Program (IRAPP), a percentage of income payment program, through the regulated utilities in the State of Illinois. Program specifics and eligibility can be found in ICC rules entitled "Energy Assistance" (83 Ill. Adm. Code 281). For utility companies operating programs under the Energy Assistance Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 1301 et seq.), contested hearings will be conducted by the ICC to verify the supplemental payment amounts each utility company is eligible to receive. A separate hearing will be conducted for each affected utility. The hearings will



DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

be in accordance with Sections 10, 11, and 12 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, pars. 1010, 1011, and 1012). No payments will be made to a utility until the ICC issues an order indicating the amount of incurred shortfall.

ii) All other utilities participating in a percentage of income program shall submit a request to the Department for supplemental assistance. Each utility will undergo an independent audit by an independent accountant to substantiate the supplemental assistance amount that is submitted to the Department. The audit report must be attached to the utility's request and shall indicate what information was audited, the procedures performed, the utility's compliance with the provisions set forth in this Section, and the auditor's findings. The supporting working papers for the audit will be made available to Department staff for review.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Training Services for the Disadvantaged
- 2) Code Citation: 56 Ill. Adm. Code 2610
- 3) Section Numbers: Proposed Action:  
2610.100 Amendment  
2610.130 Amendment
- 4) Statutory Authority: Implementing Sections 106 and 165 of the Job Training Partnership Act (P.L. 97-300, effective October 13, 1982, as amended by P.L. 97-404, effective December 31, 1982; P.L. 99-496, effective October 16, 1986; P.L. 99-570, effective October 27, 1986; and P.L. 100-418, effective August 23, 1988); U.S. Department of Labor Regulations (53 FR 7256); and Section 46.41 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 46.41) and authorized by Sections 46.40(b) and 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, pars. 46.40(b) and 46.42).
- 5) A Complete Description of the Subjects and Issues Involved: Amendments to Section 2610.100 serve to update performance standards in accordance with the Department of Labor's (DOL) revised annual reporting requirements for programs under Title II A and III of the Job Training Partnership Act. Amendments to Section 2610.130 revise the reports and recordkeeping requirements. All revisions in this rulemaking reflect changes issued by DOL in regulations published in the March 7, 1988 Federal Register (53 FR 7256 - 7267).
- 6) Will these proposed amendments replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporations by reference? Yes, under Section 6.02(a) of the Illinois Administrative Procedure Act.
- 9) Are there any proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1987, ch. 85, par. 2203).
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after this edition of the Illinois Register to the following:

Mr. Dennis R. Whetstone, Deputy Director  
Department of Commerce and Community Affairs



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

Bureau of Program Administration  
620 East Adams Street, 5th Floor  
Springfield, Illinois 62701  
(217) 785-6136

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 28, 1989
- B) Types of small businesses and small municipalities affected: There will be no direct effect on small businesses or small municipalities as a result of this rulemaking.
- C) Reporting, bookkeeping or other procedures required for compliance: No reporting, bookkeeping or other compliance procedures are being imposed on either small businesses or small municipalities.
- D) Types of professional skills necessary for compliance: This is not applicable since small businesses and small municipalities are not directly affected by this rulemaking.

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER III: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## PART 2610

## TRAINING SERVICES FOR THE DISADVANTAGED

Section  
2610.10  
2610.20  
2610.30  
2610.40  
2610.50  
2610.60  
2610.70  
2610.80  
2610.90  
2610.100  
2610.110  
2610.120  
2610.130  
2610.140  
2610. Appendix A  
2610. Appendix B

Legislative Base  
Definitions  
Allocation of Funds  
Local Job Training Plan  
Plan Development and Approval  
Coordination Criteria  
Allowable Activities  
Eligibility Requirements  
Waivers of Limitation of Cost  
Performance Standards  
Grievance Procedure  
Non-discrimination  
Reports and Recordkeeping Requirements  
Administrative Requirements  
Minimum Sample Sizes for Follow-Up (Repealed)  
Instructions: Worksheet for Adjusting Follow-Up  
Performance Measures for Non-Response Bias (Repealed)

AUTHORITY: Implementing Sections 46.41 and 46.49 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, pars. 46.41 and 46.49) and the Job Training Partnership Act (P.L. 97-300, effective October 13, 1982, as amended by P.L. 97-404, effective December 31, 1982; P.L. 99-496, effective October 16, 1986; P.L. 99-570, effective October 27, 1986; and P.L. 100-418, effective August 23, 1988) and authorized by Sections 46.40(b) and 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, pars. 46.40(b) and 46.42).

SOURCE: Adopted at 8 Ill. Reg. 17819, effective September 14, 1984; amended at 9 Ill. Reg. 6119, effective April 19, 1985; amended at 9 Ill. Reg. 13072, effective August 12, 1985; amended at 10 Ill. Reg. 4816, effective March 11, 1986; emergency amendments at 10 Ill. Reg. 12780, effective July 10, 1986 for a maximum of 150 days; amended at 11 Ill. Reg. 2738, effective January 26, 1987; amended at 11 Ill. Reg. 11954, effective July 7, 1987; amended at 12 Ill. Reg. 4128, effective February 8, 1988; amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 2610.100 Performance Standards

- a) -Establishment-of-the-Performance-Standards-System---In-accordance-with-the-requirements-of-Section-106-of-the-Act-and-20-CFR-629-46 (1983)-the-Department-shall-implement-a-performance-standards



NOTICE OF PROPOSED AMENDMENTS

1) The Secretary's seven performance standards have been divided into two categories which reflect their relative importance to the goals and purpose of the Job Training Partnership Act:

A) Primary Standards

- i) Adult Entered Employment
- ii) Cost per Adult Entered Employment
- iii) Youth Positive Termination Rate or Youth Entered Employment Rate

B) Secondary Standards

- i) Adult Average Wage at Placement
- ii) Adult Welfare Entered Employment Rate
- iii) Youth Cost per Positive Termination
- iv) Youth Entered Employment Rate or Youth Positive Termination Rate

2) For a SBA to qualify as having met performance standards for a program year, the SBA shall meet three primary standards and two of the secondary standards. The youth standard specified in Section 2610-100(e)(2)(c) which is not used as a primary standard for the review of performance specified in Section 2610-100(d) of this part, shall be considered a secondary standard. A program which does not achieve or exceed the lower parameter on one or more of the primary standards and/or three or more of the secondary standards shall be considered as having failed to meet performance standards.

c) Review of Planned Performance --- The Department of Labor Secretary's adjustment model shall be used to review a service delivery area plan with respect to the following measures:

i) Adults

A) Entered Employment Rate --- Number of adults who entered employment as a percentage of the number of adults terminated;

B) Cost per Entered Employment --- Total expenditures including administrative cost for adults divided by the number of adults who entered employment;

C) Average Wage at Placement --- Average wage for all adults who entered employment at the time of termination; and

NOTICE OF PROPOSED AMENDMENTS

system for Service Delivery Areas receiving funds under Title IIA. The Secretary's seven performance standards shall be adjusted for each SBA using the Secretary's adjustment model. The Department will not make any further adjustments in SBAs performance expectations beyond the establishment of the performance ranges. The Secretary's Adjustment Model is a statistical planning model which uses multiple regression techniques to predict the expected performance of Service Delivery Areas on each of seven measures of performance under JTPA. The model adjusts for local economic conditions and the characteristics of the participants served by the Service Delivery Area. The weighted values in the model have been developed by the Department of Labor based on past experience in employment and training programs. Application of the Secretary's adjustment model results in a singular performance expectation for each of the Secretary's performance standards. Beginning with program year 1984 (July 17, 1984 -- June 30, 1985) the Department shall establish a range of performance above and below the performance expectation generated by the Secretary's adjustment model. The lower and upper performance expectations of the performance range shall be determined by applying the maximum Secretary's tolerance level adjustment (negative or positive percent respectively) to the performance expectation generated by the Secretary's adjustment model. The Department's application of the Secretary's tolerance level adjustment shall result in the following three performance ranges:

1) Below the lower expectation --- SBAs with end of program year performance below the lower performance expectation for any of the seven performance standards shall have FAILED to meet performance for that standard. The lower performance expectation is derived by subtracting the negative tolerance level adjustment value from the performance expectations generated by the Secretary's adjustment model.

2) Between the lower and upper expectation --- SBAs with end of program year performance between the lower and upper performance expectations for any of the seven performance standards shall have MET performance for that standard.

3) Above the upper expectation --- SBAs with end of program year performance above the upper performance expectation for any of the seven performance standards shall have EXCEEDED performance for that standard. The upper performance expectation is derived by adding the positive tolerance level adjustment value to the performance expectations generated by the Secretary's adjustment model.

b) Secretary's Performance Standards



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

B) Welfare-Entered-Employment-Rate -- Number-of-adult welfare-recipients-who-entered-employment-at-termination-as-a-percentage-of-the-number-of-adult welfare-recipients-who-terminated;

2) Youth

A) Entered-Employment-Rate -- The-number-of-youth-who-entered-employment-as-a-percentage-of-the-number-of youth-terminated;

B) Positive-Termination-Rate -- Number-of-youth-who-entered-employment-at-termination-PBUS-the-number-of youth-who-met-one-of-the-youth-employment-enhancement-definitions-at-termination-as-a-percentage-of-the-total-youth-who-terminated; and

C) Cost-per-Positive-Termination -- Total-expenditures including-administrative-cost-for-youth-divided-by the-number-of-youth-who-entered-employment-at-termination-PBUS-the-number-of-youth-who-met-one-of the-youth-employment-enhancement-definitions-at-termination;

d) Review-of-Actual-Performance -- Beginning-with-Program-Year-1984 performance-the-Department-shall-calculate-performance-outcomes for-each-SDA-based-on-actual-terminee-characteristics; average weeks-of-participation-in-the-program; and-local-economic-data-in accordance-with-the-Secretary's-adjustment-model. The-Department shall-compare-each-SDA's-actual-performance-outcomes-with-the performance-standards-derived-from-the-model-for-each-of-the seven-performance-measures-in-accordance-with-the-performance ranges-specified-in-Section-2610-100(a). The-results-of-this comparison-shall-be-used-to-determine-which-SDAs-have-met performance-standards-and-which-SDAs-have-failed-to-meet performance-standards-as-specified-in-Section-2610-100(b);

e) Award-of-Incentive-Grants

1) To-qualify-to-receive-an-incentive-grant; a-SDA-shall-first meet-performance-standards-as-specified-in-Section 2610-100(b)-of-this-Part. Such-a-SDA-shall-be-eligible-for an-incentive-award-if-it-exceeds-any-standard-and-an additional-award-for-each-standard-exceeded;

2) Incentive-funds-shall-be-divided-into-two-portions-as follows:

A) One-third-shall-be-allocated-among-qualifying-SDAs

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

that-exceed-one-or-more-standards; The-amount-of this-award-shall-be-based-on-each-qualifying-SDAs share-of-the-title-IIA-allocation-formula-relative-to all-qualifying-SDAs-which-exceeded-one-or-more standards;

B) Two-Thirds-shall-be-allocated-among-qualifying-SDAs that-exceed-one-or-more-standards-based-on-the-number-of-standards-exceeded-and-the-extent-to-which-each standard-is-exceeded. This-amount-shall-be-divided equally-into-seven-shares-with-one-share-associated with-each-standard;

3) Each-of-the-seven-shares-under-subsection-(e)(2)(B)-is further-divided-into-five-levels; The-levels-are-as follows:

Degree-to-which-Standard-Exceeded-Performance	Percentage-of-Incentive-Grant-Funds-Available
1-10%	60%
11-20%	10%
21-30%	10%
31-40%	10%
41%-and-above	10%

4) The-amount-of-funds-awarded-under-subsection-(e)(2)(B)-for-each-standard-shall-be-based-on-the-qualifying-SDA's-share-of-the-title-IIA-allocation-formula-relative-to-all-qualifying-SDAs-which-exceeded-the-standard; The-amount-of the-award-will-also-be-graduated-to-correspond-with-the degree-to-which-each-standard-is-exceeded;

5) The-sum-of-the-amounts-determined-to-be-awarded-from-the-funds-distributed-under-subsections-(e)(2)(A)-and-(B)-shall equal-the-total-incentive-grant-for-the-SDA;

6) Incentive-grant-funds-carried-over-from-prior-years-shall be-awarded-to-qualifying-SDAs-on-the-basis-of-subsection (e)(2)(A);

a) Establishment-of-the-Performance-Standards-System - In accordance with the requirements of Section 106 of the Act the Department shall prescribe performance standards for adult and youth training programs under Title IIA and dislocated worker programs under Title III of JTPA. The U.S. Department of Labor (USDOL) issued current directives on performance standards requirements in the March 7, 1988 edition of the Federal Register (53 FR 7256). Governors are required to select eight of the twelve USDOL performance standards measures to evaluate local program



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

performance for purposes of making incentive/sanction determinations. Although governors are required to use the twelve performance measures imposed by USDOL, governors are permitted, within guidelines established by USDOL, to adjust national standards in setting the performance expectations for the SDAs. In light of this flexibility the State of Illinois has developed alternative performance standards models based on statewide and regional data. The performance standards are based on statistical planning models which use multiple regression techniques to predict expected performance of SDAs for each measure of performance. The models adjust for local economic conditions and the characteristics of the participants served by the SDA. The weighted values in the model have been based on prior performance of the JTPA. Application of the adjustment models result in a singular performance expectation (model adjusted value) for each of the performance measures. The twelve performance measures used for program evaluation reflect a combination of measures using the USDOL model, State of Illinois model, and Region V model. The twelve measures, and the model type used, are as follows:

## 1) Adult

- A) Entered Employment Rate (AER) - Number of adults who entered employment at termination as a percentage of the total number of adults who terminated (Illinois model).
- B) Cost per Entered Employment (ACPEE) - Total expenditures for adults divided by the total number of adults who entered employment (Region V model).
- C) Average Wage at Placement (AWAP) - Average hourly wage for all adults who entered employment at the time of termination (Illinois model).
- D) Welfare Entered Employment Rate (WEER) - Number of adult welfare recipients who entered employment at termination as a percentage of the total number of adult welfare recipients who terminated (Illinois model).

## 2) Follow-up

- A) Follow-up Employment Rate (AFER) - Total number of adult respondents who were employed (full-time or part-time) during the 13th full calendar week after termination, divided by the total number of adult respondents (i.e., terminees who completed follow-up

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

interviews) (USDOL model).

- B) Welfare Follow-up Employment Rate (WFER) - Total number of adult welfare respondents who were employed (full-time or part-time) during the 13th full calendar week after termination, divided by the total number of adult welfare respondents (i.e., terminees who completed follow-up interviews) (USDOL model).
  - C) Average Weekly Earnings at Follow-up (AFEARN) - Total weekly earnings for all adult respondents employed during the 13th full calendar week after termination, divided by the total number of adult respondents employed at the time of follow-up (USDOL model).
  - D) Average Number of Weeks Worked in Follow-up Period (APFW) - Total number of weeks worked (full-time or part-time) during the 13 full calendar weeks after termination for all adult respondents who worked, divided by the total number of all adult respondents, whether or not they worked any time during this 13-week follow-up period (USDOL model).
- 3) Youth
- A) Entered Employment Rate (YEER) - Number of youth who entered employment at termination as a percentage of the total number of youth who terminated (Illinois model).
  - B) Employability Enhancement Rate (YEEN) - Number of youth who attained one of the employability enhancements at termination whether or not they also obtained a job as a percentage of the total number of youth who terminated (USDOL model). Youth Employability Enhancements include:
    - i) Attained PIC-Recognized Youth Employment Competencies;
    - ii) Entered Non-Title II Training;
    - iii) Returned to Full-Time School;
    - iv) Completed Major Level of Education; and
    - v) Completed Program Objectives (14-15 year olds).
  - C) Positive Termination Rate (YPTR) - Number of youth



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

who entered employment or attained one of the youth employability enhancements at termination as a percentage of the total number of youth who terminated (Illinois model).

- D) Cost per Positive Termination (YCPPT) - Total expenditures for youth divided by the total number of youth who either entered employment or met one of the five employability enhancements (Region V model).

b) Performance Standards Policy

- 1) State of Illinois models will be used for establishing the local performance standard, if available. Region V models will be used for the cost measures, with national departure points. USDOL models will be used where state models or regional models are not as yet available.

- 2) Departure points for each measure will be based on the 25th percentile of Illinois performance, with the exception of the two cost measures (ACPEE and YCPPT), and YEEN. The national departure points will be used for these measures. Tolerance limits will be set at the 95th percent confidence interval.

- 3) A distinction would be made between "sanctioned" measures and "rewarded" measures. A sanctioned measure is one of the eight measures of which five standards must be met to meet standards overall. A rewarded measure is one for which incentive bonus funds will be distributed. Sanctioned and rewarded measures for PY'88 are as follows:

Sanctioned Measures	Rewarded Measures
<u>AEER</u>	<u>WEER</u>
<u>WEER</u>	<u>AWAP</u>
<u>AWAP</u>	<u>YEER</u>
<u>ACPEE</u>	<u>YEEN</u>
<u>YEER</u>	<u>AFER</u>
<u>YPTR</u>	
<u>YCPPT</u>	
<u>AFER</u>	

- 4) The Department shall establish a range of performance above and below the performance expectation generated by the adjustment model. The upper and lower limits of this range shall be determined by applying the tolerance level adjustment (negative and positive percent respectively) to the model adjusted value.

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

- 5) To qualify as having met performance standards, an SDA must meet or exceed the local performance standard for any five of the eight sanctioned performance measures. In order for an SDA to "meet" the local performance standard, the performance measure outcome associated with the standard must be within the tolerance level range band, as established when the tolerance range value is applied to the model adjusted performance standard. All noncost measure outcomes falling below the tolerance level lower band constitute "failure" of the standard, while all noncost measure outcomes above the upper band of the tolerance level constitute "exceeding" the performance standard. For the cost measures, the inverse applies. The performance outcome as it relates to the postprogram follow-up measures may be adjusted upward or downward depending on calculation of the nonresponse bias adjustment. The nonresponse bias adjustment is only required when the difference in response rates between those terminees who were employed and those who were not employed at termination exceeds five percentage points. If the difference between the response rates is five percentage points or less the nonresponse bias adjustment will not be invoked.

- 6) The Department shall calculate performance outcomes for each SDA based on actual terminee characteristics, average weeks of program participation and local economic data in accordance with the appropriate adjustment model. The Department shall compare each SDA's actual performance outcome with the performance standards derived from the model for each of the performance measures in accordance with the performance ranges specified in Section 2610.100(b) of this Part. The results of this comparison shall be used to determine which SDAs have met performance standards and which SDAs have failed to meet performance standards as specified in Section 2610.100(b) of this Part.

c) Award of Incentive Grants

- 1) The total amount of funds available will be determined by taking
- A) 75% of the total 6% allotment for the current program year;
- B) plus those 6% funds not allocated for incentive grants from the prior year;
- C) plus the unused portion of the funds set aside for



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

technical assistance from the prior year;

D) plus any deobligated funds from the prior year.

2) To qualify to receive an incentive grant, an SDA must first meet or exceed the standard for at least five of the eight sanctioned performance measures as described in Section 2610.100(b). A qualifying SDA is then eligible for an incentive award if it exceeds any one of the five rewarded measures and will receive an additional award for each rewarded measure based on the degree to which performance exceeded the upper band of the tolerance level.

3) New PY'88 incentive funds will be divided into two portions as follows:

A) One-third will be allocated among qualifying SDAs that exceeded one or more of the five rewarded performance measures. The amount of this award will be based on each qualifying SDAs share of the Title IIA allocation formula relative to all qualifying SDAs who exceeded one or more of the five rewarded measures.

B) Two-thirds will be allocated among qualifying SDAs that exceeded one or more rewarded measures based on the number of rewarded measures exceeded and the extent to which each performance exceeded the standard. This amount will be divided equally into five shares with one share associated with each measure. Each of these five shares is further divided into four levels. The allocation of funds at each level will be based on the qualifying SDA's relative share of the JTPA Title IIA allocation formula applied against each level of available funds for each measure exceeded. These levels are as follows:

Degree to which performance exceeded the standard	Percentage of incentive grant funds available
>0% - 9.99%	60%
10% - 14.99%	15%
15% - 19.99%	15%
20% and above	10%

C) Unallocated incentive grant funds, unused technical assistance funds, and deobligated funds carried over

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

from prior years will be awarded to qualifying SDAs based on the methodology described in subsection (c)(3)(A).

D) The sum of the amounts determined to be awarded from the funds distributed under subsections (c)(3)(A), (B), and (C) will equal the total incentive grant for the SDA.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2610.130 Reports and Recordkeeping Requirements

## a) Record Retention Requirements

1) All grantees shall adhere to the provisions contained in the Regulations (codified as 44 Ill. Adm. Code 4000) of the Local Records Commission and Local Records Act (Ill. Rev. Stat. 1985 1987, ch. 116, par. 43.102 et seq.).

2) Additionally, the provisions of the 20 CFR 629.35 (1983) are applicable.

b) Management Information System - In accordance with the requirements of Section 165 of the Act, the Department shall develop and implement a statewide Management Information System (MIS).

1) All participant-serving grantees under the Act shall participate in the Department's management information system and provide to the Department and maintain in document files for each participant, information elements as specified in Sections 2610.130(c) and 2610.130(d) of this Part.

2) The statewide MIS shall be an automated system for the collection, processing and reporting of information on participants relating to eligibility determination, demographic characteristics, performance measures (pre- and post-program outcomes), employability, participation in activities and services under the Act, termination, and follow-up.

3) The system shall collect required expenditure reports as specified in Section 2610.130(e) of this Part.

4) The Department shall install telecommunications lines and remote data entry equipment where such is required to support collection of the information requirements as



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

specified in this Part. The determination regarding need for equipment will be based primarily on the number of participants to be served.

- 5) Standardized instructions and data collection and data entry forms shall be issued by the Department, consistent with the information requirements as specified in this Part.

- c) Participant Record Requirements - Participant record requirements shall be promulgated in order for the Department to comply with the following Sections of the Act: 108 (b)(3); 121 (c)(3); 123 (c)(1); 123 (c)(3); 124 (d); 141 (e); 141 (k); 165; 167 (a); 203; 204 (11); 205 (b)(1); 205 (c); 205 (d); 253; 302 (a); and 504. Each participant-serving grantee under the Act shall collect and retain file documentation for each participant as specified in this section. Each participant-serving grantee shall collect and maintain file documentation sufficient to verify the eligibility of individuals for participation in titles and programs under the Act. This type of documentation consists of the applicant record (i.e., application form, work history, family income statement, eligibility certification checklists), documents verifying elements of the applicant record which pertain to eligibility (for example, tax returns, check stubs, statements from government agencies indicating eligibility for public assistance), and verification of collateral contact (for example, records of SDA employee conversations with third parties). Grantees shall not be required to maintain a work history form for youth enrolled in programs authorized under Section 251 of the Act (29 U.S.C. 1631). The Department shall issue standardized forms and procedures for the collection and retention of each element of the participant record, including a technical assistance guide. Participant record requirements shall be consistent with the Management Information System requirements under Section 2610.130(b) of this Part. The specific elements of the participant record are as follows:

- 1) JTPA Application Information
  - A) Identification Data
    - i) Service Delivery Area/Dislocated Worker Center
    - ii) Client ID
    - iii) Application Date
    - iv) Determination of Client Application Status

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

- v) Name
- vi) Address (Street, City, State, Zip Code and County)
- vii) Telephone Number

## B) Demographic/Descriptive Data

- i) Sex
  - ii) Date of Birth
  - iii) Age
  - iv) Ethnic Group: White (Not-Hispanic); Black (Not-Hispanic); Hispanic; Asian/Pacific Islander; or American Indian/Alaskan Native
  - v) Education Status: High School Dropout; Student (High School or Less); High School Graduate (or GED); or Post High School Education
- C) Eligibility Determination and Documentation Data
- i) Single Head of Household with Dependent Children (Yes/No)
  - ii) Authorized to Work in U.S.: Not Authorized; U.S. Citizen; Registered Alien/Refugee
  - iii) Selective Service Registrant Compliance
  - iv) Barriers to Employment: Limited English Proficiency; Displaced Homemaker; School Dropout; Teenage Parent; Handicapped; Older Worker; Veteran; Offender; or Other (Specify)
  - v) Economically Disadvantaged (Yes/No): Meets Income Criteria; Welfare Recipient; Foster Child; or Food Stamp Recipient; or Homeless
  - vi) Family Income
  - vii) Number in Family
  - viii) Enrolled Under 10% Criteria (Yes/No)
  - ix) Type of Welfare Received (Yes/No): AFDC; WIN



DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

Registrant; General Assistance; Refugee Assistance; or SSI (SSA Title XVI)

x) Highest School Grade Completed

xi) Part-time Student

xii) Educational Achievements: Student Meeting Attendance/Achievement Levels; Student Not Meeting Attendance/Achievement Levels; or High School Graduate with Educational Deficiencies

xiii) Post High School Plans: Plan to Enter Full-time Labor Market or Plan to Continue with Post Secondary Education

xiv) Employment Experience (Yes/No): Completed Equivalent of Pre-Employment Skills Training or Received Paid Employment No Greater than 250 Hours

xv) Client Determined Eligible for Program (Yes/No): Title IIA, Adult/Youth Training Program; Title IIA, Education for Employment; Title IIA, Entry Employment Experience; Title IIA, School to Work Transition; Title IIA, Limited Work Experience; Title IIA, Pre-Employment Skills/Training; Title IIA, Try-out Employment; Title IIB, Summer Youth Program; Title IBE, Section 123(82 Program); or Title IBO, Section 124 (Older Workers)

xvi) Termination/Laid Off from Employment: Terminated or Laid Off; Received Notice of Termination or Layoff; or Terminated As a Result of Plant Closure; Receive Notification of Termination as a Result of Plant Closure; or None of Above

xvii) Termination or Notification Date

xviii) Primary Occupation Standard Occupational Classifications (SOC) Codes

xix) Total Months Employed in All Previous Primary Occupation(s)

xx) Months Since Last Employed in Last Previous Primary Occupation

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

xxi) Weeks Unemployed (Since Any Employment)

xxii) Documented Job Search Criteria Met (Yes/No)

xxiii) Weeks Unemployed (Out of Last 20 Weeks)

xxiv) Client Eligibility for Title III, Dislocated Worker Training Assistance (Yes/No)

D) Programmatic Data

i) Referral Sources

ii) Transfer from Other JTPA Title (Yes/No)

iii) Referred to Other Agency (Yes/No)

iv) Name of Agency to Which Referral and Date of Referral

E) Performance Assessment Data

i) Labor Force Status: Unemployed; Employed; Not in Labor Force; Unemployed 15 or More Weeks of Prior 26 Weeks

ii) Unemployment Compensation Status: Eligible for Benefits; Receiving Benefits; or Exhausted Benefits

iii) Minimal Work History

iv) SOC Codes of Previous Occupations

v) Months Received AFDC (Last 30 Months)

vi) Labor Force

F) Certification and Recertification Signature: Signature of Applicant; Signature of Parent or Guardian (If Applicable); Relationship to Applicant; Signature of Interviewer; and Dates

2) Supplemental/Optional Record

A) Supplemental Date

i) Referral to Other Agency (Yes/No)



DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

- ii) Name of Agency to Which Referral Was Made and Date of Referral
- iii) Reading Grade Level, Test Date and Deficiency Rating (Yes/No)
- iv) Mathematics Grade Level, Test Date and Deficiency Rating (Yes/No)
- v) Youth Competency Skill Area Deficiencies: Pre-employment/Work Maturity; Basic Educational Skills; Job Specific Skills

B) Optional Data

- i) Benefit Rating
- ii) Need Rating
- iii) Ward of State (Yes/No)
- iv) Migrant Worker (Yes/No)
- v) User Application Fields
- vi) User Target Population Fields

C) Collateral Contacts (Optional)

- i) Contact Name
- ii) Contact Address (Street, City, State, Zip Code)
- iii) Telephone Number
- iv) Relationship to Client

3) 2) Training/Services Record

A) Identification Data

- i) Service Delivery Area/Dislocated Worker Center
- ii) Client ID
- iii) Application Date
- iv) JTPA Title

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

- v) Client Name
- B) Training/Service Code
  - i) Training/Service Code
  - ii) Sequence Number
  - iii) Service Provider
  - iv) Grant Number
  - v) Sent to Other Provider (Yes/No)
  - vi) Planned Start Date
  - vii) Actual Start Date
  - viii) Planned End Date
  - ix) Actual End Date
  - x) SOC Code
  - xi) Classification of Industrial Program (CIP) Code
  - xii) Try-Out Employment Site
  - xiii) Hourly Wage
  - xiv) Scheduled Hours
  - xv) Cumulative Hours
  - xvi) Override
  - xvii) Successfully Completed (Yes/No)

C) Signatures

- i) Signature of Individual Completing Form
- ii) Date

4) 3) Termination Record

A) Identification Data

- i) Service Delivery Area/Dislocated Worker Center



## NOTICE OF PROPOSED AMENDMENTS

- ii) Client ID
- iii) Application Date
- iv) JTPA Title
- v) Client Name
- B) Termination Data
- i) Termination Date
- ii) Termination Reason: --Entered-Employment-(i.e., Entered---Unsubsidized---Employment; --Entered Registered Apprenticeship-Program; or -Entered Armed Forces); -Youth-Employability-Enhancement (i.e., -Entered-Non-Title II Training; -Returned to--Full-Time--School; --Age--14-15--Completed Program-Objectives; -Completed-Major-Level-of Education; or -Attained-Youth-Competencies)-and Other-(i.e., -Other-Reasons-or-Transfer-to-Other Titles); First Termination Reason: Entered Employment (i.e., Entered Unsubsidized Employment, Entered Registered Apprenticeship Program, Entered Armed Forces, Recalled, or Continued Unsubsidized Employment); Youth Employability Enhancement (i.e., Entered Non-Title II Training, Returned to Full Time School, Age 14-15 Completed Program Objectives, Completed Major Level of Education, or Attained Youth Competencies); and Other (i.e., Continued as Full Time Student, Ineligible, Dropout, Transfer to Other Title/Subpart, or Other Reason).
- iii) Second Termination Reason (Title IIA Youth Only): Youth Employability Enhancements (i.e., Entered Non-Title II Training, Returned to Full Time School, Age 14-15 Completed Program Objectives, Completed Major Level of Education, or Attained Youth Competencies); and Other (i.e., Continued as Full Time Student, Ineligible, Dropout, Transfer to Other Title/Subpart, or Other Reason).
- iv) Youth Competency Attained (i.e., Pre-employment/Work Maturity Skills (Yes/No), Basic Education Skills (Yes/No), and Job Specific Skills (Yes/No)).
- iii) v) Principal Service Provider

## NOTICE OF PROPOSED AMENDMENTS

- iv) vi) Principal Activity
- v) vii) Hired at Try-out Employment Site: Yes; No; or Not Applicable
- C) Employment Information
- i) Employment Start Date
- ii) Training Related
- iii) Job Title Description
- iv) SOC Code
- v) Hourly Wage
- vi) Scheduled Weekly Hours
- vii) Employer
- viii) Street and City Address of Employer
- ix) State and Zip Code of Employer
- x) Telephone Number
- xi) Standard Industrial Code Classification (SIC) Code
- xii) Contact
- D) Signatures
- i) Signature of Individual Completing Form
- ii) Date
- 5) 4) Provider Data
- A) Identification Data
- i) Service Delivery Area/Dislocated Worker Center Code
- ii) Service Provider ID
- iii) JTPA Title



DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

B) Level 1 and 2 Provider Information

- i) Name
- ii) Street Address
- iii) State and Zip Code
- iv) County
- v) Allowable Training Activities/Services

C) Level 2 Provider Information

- i) CIP Codes
- ii) SOC Codes

d) Participant Follow-Up Data Collection Requirements - In accordance with the requirements of Sections 106 and 165 of the Act, and Annual Status Report for Title IIA and III programs effective July 1, 1986, the Department shall develop and implement a participant follow-up data collection system. The purpose of this system is to collect and report to the U.S. Department of Labor selected follow-up measures postprogram data which will be used by the Secretary of Labor as to support candidate measures for JTPA performance standards in Program Year 1988. In order to implement these measures, Title IIA and Title III grantees will be required to collect and report to the Department post-program data items for all adult grantees and adult welfare grantees as specified in this Part. The major elements of this system are as follows:

- 1) Outcome Measures - The post-program data collection requirements are based on the following outcome measures which together describe the labor market experiences of program grantees for the 13 week period after program termination:
  - A) The employment rate during the 13th full calendar week after program termination.
  - B) The average gross weekly earnings of grantees employed during the 13th full calendar week after program termination.
  - C) The average number of weeks employed during the 13 post-program weeks.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

2) Post-Program Timing

- A) Post-program data collection shall commence for participants terminating on or after July 1, 1986.
- B) Follow-up data shall be collected for the 13th full calendar week following termination from the program.
- C) Post-program data shall be collected for grantees whose 13th post-program week ends during the program year.
- D) Follow-up interviews of grantees shall commence during the first week of October 1986.
- E) Data collection is limited to a four week period from the 14th to the 17th week following termination. Follow-up may occur during the 18th week only when the grantee is located before the end of the 17th week.

3) Interview Group Selection

- A) Title IIA grantees must collect follow-up data for two groups: adults and adult welfare recipients.
- B) Title III grantees must collect follow-up data for all Title III grantees.
- C) The size of each of the above groups to be interviewed shall be determined by the number of planned grantees from each group during the period for which post-program data will be collected.
- D) If the number of planned grantees in any of the interview groups is equal to or less than 137, each grantee from that group must be included in the data collection effort. If the number of planned grantees exceeds 137, data on a sample of grantees may be collected.
- E) If sampling is used as a basis for determining which grantees will be interviewed, the sample must be as large as the minimum sample sizes specified by the U.S. Department of Labor Employment and Training Administration in its Follow - Up Technical Assistance Guide for Postprogram Data Collection Under the Job Training Partnership Act, Version 3.0, issued June, 1986, with no later amendments or



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

editions. Samples must be drawn independently for each interview group and must be random.

- F) The Department will select the sample for the Title III program and will notify each title-III-grantee of the terminations to be interviewed contract with a third party for client interviews.

## 4) Methods for Terminatee Contact

- A) The follow-up data must be gathered by administering a questionnaire over the telephone or in person. Mail questionnaires may be used only in those cases where the terminnee does not have a telephone or cannot be reached by telephone.

- B) Contact must be made with the terminnee directly.

## 5) Interview Questions - A standard set of questions must be asked of all respondents as follows: specified in the Exhibit found in USDOL regulations (53 FR 7265).

- A) Did you work for pay during the week of (reference week)?

- B) ("Yes"-Responses-to-question-A)

- i) How much did you get paid for work you did during that week?

- ii) How many weeks did you work at all for pay during the 13-week period?

- C) ("No"-Responses-to-question-A)

- i) Did you do any work for pay during the 13-week period?

- ii) How many weeks did you work at all for pay during the 13-week period?

## 6) Response Rate Requirements and Non-Response Bias Adjustment -

- A) A 70 percent minimum response rate is required for each of the following groups:

- i) Title IIA Adults Employed at Termination

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

- ii) Title IIA Adults Unemployed at Termination
- iii) Title IIA Adult Welfare Employed at Termination
- iv) Title IIA Adult Welfare Unemployed at Termination
- v) Title III Employed at Termination
- vi) Title III Unemployed at Termination

- B) Prior to reporting the results of follow-up data collection to the Department, Title IIA and Title III grantees must adjust for the effects of non-response bias when the difference between the response rates attained for each of the above groups exceeds five percent. The adjustment method used shall be the one provided by the U.S. Department of Labor Employment and Training Administration in its Follow-Up Technical Assistance Guide for Postprogram Data Collection under the Job Training Partnership Act, Version 3.0, issued June, 1986, with no later amendments or editions.

- 7) Reporting - Grantees must report the results of their follow-up data collection activities to the Department on a quarterly basis. Data collected on clients with April 1, 1988 and later termination dates must be entered onto the JTPA II MIS. Title IIA grantees must enter the postprogram follow-up data themselves, but the Department will enter the Title III data collected.

- e) Eligibility Review and Verification System - In accordance with the requirements of Section 165 of the Act and 20 CFR 629.43, effective April 15, 1983, the State shall implement an Eligibility Determination and Verification System for use by all grantees enrolling individuals under Title IIA and IIB of the JTPA. The State shall prescribe detailed instructions and forms to be used by grantees for certification of eligibility. The Eligibility Determination and Verification System shall consist of the following procedures:

- 1) Determination of Eligibility - Each grantee shall determine the eligibility of an applicant for JTPA titles and programs into which the applicant is to be enrolled. Grantees shall also determine the eligibility of a participant for enrollment in new JTPA programs after initial enrollment (e.g., exemplary youth programs). Enrollment into JTPA titles and programs shall be supported



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

by documentary evidence. All documentary evidence shall be provided prior to enrollment of an applicant into JTPA or placement of a participant into a new JTPA program. Documentary evidence is defined as written confirmation of the applicant's status at the time of application. Should documentary evidence not be available, grantees may use collateral contacts (i.e., verbal confirmations) with social service and other organizations to verify the status of applicant. Grantees are required to collect documentary evidence sufficient to support:

- A) the enrollment of an applicant into a Title under JTPA and,
- B) the placement of a participant into a new JTPA program.

- 2) Documentation Requirement for U.S. Citizens and Resident Aliens - Grantees may accept self-attestation as a basis for establishing if an applicant is an U.S. citizen. The status of applicants who identify themselves as resident aliens shall be documented.

- 3) Documentation of Selective Service Compliance - Grantees shall accept self-attestation as a basis for establishing if an applicant is in compliance with Section 3 of the Military Selective Service Act (50 U.S.C. App. 4530 (1982)). Grantees may adopt additional procedures to document compliance with this requirement; however, services under the Act shall not be withheld due to refusal of an applicant to comply with such optional procedures.

- f) Financial Reporting Requirements - In accordance with the provisions of Section 164 of the Act and 20 CFR 629.35 (1983), each grantee under JTPA shall be required to submit expenditure reports to the Department as specified in this Part.

- g) Reporting Detail

- 1) Expenditures shall be reported for the following categories:

- A) Training
  - i) Employment and Training Services
  - ii) Academic
  - iii) Vocational

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

- iv) Limited Work Experience
- v) Try-Out Employment
- vi) On the Job Training (OJT)
- vii) Other Training

## B) Participant Support

- i) Limited Work Experience
- ii) Services and Materials: Child Care; Transportation; or Other Services and Materials
- iii) Work Experience

## iv) Needs-Based Payments

## v) Other Participant Support

## vi) Employment Generating Activities (EGA)

## C) Administration

## i) Salaries and Wages

## ii) Staff Fringe Benefits

## iii) Facility Cost

## iv) Staff Travel

## v) Equipment

## vi) Indirect Cost

## vii) Other Direct Costs

## viii) Employment Generating Activities (EGA)

- ix) Private Industry Council (PIC Cost) (Cost not described elsewhere in administrative cost line items)

## x) Other

- 2) Reporting Level - An expenditure report detailing expenditures for Training, Participant Support and



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENTS

Administration (including specified subcategories) as defined in Section 2610.130(f) of this Part shall be submitted separately for Titles IIA and IIB.

## 3) Grantee Subgrantee Reporting

A) Grantees shall maintain expenditure information on each of their subgrantees receiving Title II funds in sufficient detail to enable the grantee to produce an expenditure report for each of their subgrantees by the following expenditure categories:

- i) Training;
- ii) Participant Support;
- iii) Administration (in cases where the service providers are expending administrative funds); and
- iv) Total expenditures.

B) This information shall be produced and transmitted to the Department upon the request of the Department.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Administration of the Illinois Public Community College Act

2) Code Citation: 23 Ill. Adm. Code 1501

3) Section Numbers: 1501.517  
Proposed Action: new Section

4) Statutory Authority: Ill. Rev. Stat., 1987, Ch. 122, par. 102-16

5) A Complete Description of the Subjects and Issues Involved: The proposed addition is designed to provide for administration of a restricted grant program to fund health insurance for community college retirees. Funding for the program is subject to appropriation by the General Assembly.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other proposed rules pending on this Part? No

10) Statement of Statewide Policy Objectives: Not Applicable

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

David Steelman, Associate Director  
Governmental Relations  
Illinois Community College Board  
509 South Sixth Street, Room 400  
Springfield, Illinois 62701-1874  
Telephone: (217) 785-0028

Written comments on the proposed rulemaking will be accepted for 45 days following publication of this notice.

12) Initial Regulatory Flexibility Analysis: The Illinois Community College Board has determined that this rulemaking will not affect small business.

The full text of the Proposed Rule begins on the next page:



## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENT(S)

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD

## PART 1501

## ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

## SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

Section	
1501.101	Definition of Terms
1501.102	Advisory Groups
1501.103	Rule Adoption
1501.104	Manuals
1501.105	Advisory Opinions
1501.106	Executive Director
1501.107	Information Request
1501.108	Organization of ICCB
1501.109	Appearance at ICCB Meetings
1501.110	Appeal Procedure
1501.111	Reporting Requirements
1501.112	Certification of Organization
1501.113	Administration of Mandatory and Voluntary Annexations and New District Formations
1501.114	Administration of Mandatory and Voluntary Annexations and New District Formations

## SUBPART B: RECOGNITION

Section	
1501.201	Definition of Terms
1501.202	Recognition Provisions
1501.203	Evaluation
1501.204	Review and Appeal
1501.205	Recognition Standards

## SUBPART C: PROGRAMS

Section	
1501.301	Definition of Terms
1501.302	Units of Instruction, Research, and Public Service
1501.303	Program Requirements
1501.304	Program Planning
1501.305	College, Branch, and Extension Centers
1501.306	State or Federal Institutions (Repealed)
1501.307	Cooperative Agreements and Contracts
1501.308	Reporting Requirements

## SUBPART D: STUDENTS

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENT(S)

Section	
1501.401	Definition of Terms
1501.402	Admission of Students
1501.403	Student Services
1501.404	Academic Records
1501.405	Student Evaluation
1501.406	Reporting Requirements

## SUBPART E: FINANCE

Section	
1501.501	Definition of Terms
1501.502	Financial Planning
1501.503	Audits
1501.504	Budgets
1501.505	Non-Resident Student Tuition Calculations
1501.506	Published Financial Statements
1501.507	Credit Hour Grants
1501.508	Disadvantaged Student Grant
1501.509	Economic Development Grants
1501.510	Reporting Requirements
1501.511	Chart of Accounts
1501.514	Business Assistance Grants (Repealed)
1501.515	Advanced Technology Equipment Matching Grant
1501.516	Repair and Renovation Grants
1501.517	Retirees Health Insurance Grants

## SUBPART F: CAPITAL PROJECTS

Section	
1501.601	Definition of Terms
1501.602	Approval of Capital Projects
1501.603	State Funded Capital Projects
1501.604	Locally Funded Capital Projects
1501.605	Project Changes
1501.606	Progress Reports (Repealed)
1501.607	Reporting Requirements
1501.608	Approval of Projects in Section 3-20.301 of the Act
1501.609	Completion of Projects Under Section 3-20.3.01 of the Act

## SUBPART G: STATE COMMUNITY COLLEGE

Section	
1501.701	Definitions of Terms
1501.702	Applicability
1501.703	Recognition
1501.704	Programs
1501.705	Finance



1501.706 Personnel  
1501.707 Facilities

Section  
1501.801 Definition of Terms  
1501.802 Sabbatical Leaves

SUBPART H: PERSONNEL

June 30 of the fiscal year in which the grant is received. Unexpended funds shall be returned to the ICCB by October 15 following the year for which the appropriation was made.

e) Retirees health insurance grants determined not to be spent in accordance with this Section shall be returned to the ICCB within six months after receipt of the external audit report by the ICCB.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

AUTHORITY: Implementing and authorized by Article II of the Public Community College Act (Ill. Rev. Stat. 1987, ch. 122, pars. 102-1 et seq. and Ill. Rev. Stat. 1984 Supp., ch. 122, par. 102-16.01 as amended by P.A. 84-105, effective July 24, 1985 and P.A. 84-110, effective January 23, 1986).

SOURCE: Adopted at 6 Ill. Reg. 14262, effective November 3, 1982; codified at 7 Ill. Reg. 2332; amended at 7 Ill. Reg. 16118, effective November 22, 1983; Sections 1501.103, 1501.107 and 1501.108 recodified to 2 Ill. Adm. Code 5175 at 8 Ill. Reg. 6032; amended at 8 Ill. Reg. 14262, effective July 25, 1984; amended at 8 Ill. Reg. 19383, effective September 28, 1984; emergency amendment at 8 Ill. Reg. 22603, effective November 7, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 24299, effective December 5, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3691, effective March 13, 1985; amended at 9 Ill. Reg. 9470, effective June 11, 1985; amended at 9 Ill. Reg. 16813, effective October 21, 1985; amended at 10 Ill. Reg. 3612, effective January 31, 1986; amended at 10 Ill. Reg. 14658, effective August 22, 1986; amended at 11 Ill. Reg. 7606, effective April 8, 1987; amended at 11 Ill. Reg. 18150, effective October 27, 1987; amended at 12 Ill. Reg. 6660, effective March 25, 1988; amended at 12 Ill. Reg. 15973, effective September 23, 1988; amended at 12 Ill. Reg. 16699, effective September 23, 1988; amended at 12 Ill. Reg. 19691, effective November 15, 1988; amended at 13 Ill. Reg. 1182, effective January 13, 1989; adopted at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_

SUBPART E: FINANCE

Section 1501.517 Retirees Health Insurance Grants

- a) Retirees health insurance grants shall be distributed proportionately to each district based on the number of that district's annuitants on July 1 of the fiscal year in which the appropriation is made as certified by the State Universities Retirement System (SURS).
- b) Retirees health insurance grants shall be used by a community college district to provide health insurance for the district's annuitants.
- c) Provisions of the retirees health insurance program shall be the same as that of the district's health insurance plan for active employees, except that annuitants eligible for Social Security benefits shall be required to enroll in Medicare Part A Insurance which shall be considered their primary coverage.
- d) Retirees health insurance grants shall be expended or obligated by



## ILLINOIS REGISTER

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

1) HEADING OF THE PART: Cock Pheasant, Hungarian Partridge, Bobwhite Quail, Rabbit and Crow Hunting

2) CODE CITATION: 17 Ill. Adm. Code 530

SECTION NUMBERS:

530.20  
530.70  
530.80  
530.90  
530.100  
530.105  
530.110

PROPOSED ACTION:

Amendments  
Amendments  
Amendments  
Amendments  
Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 3.5, 3.27, 3.28 and 3.29).

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: The amendments to this Part are based upon biological surveys and data analyses which have resulted in the determination that modifications to upland hunting regulations are necessary to maintain and manage healthy populations of upland species.

The proposed changes include updating season dates, clarifying and simplifying the permit process, expanding/modifying/decreasing hunting programs at State-owned or -managed sites as recommended following evaluation of site specific resources, and deletion of requirements covered under 17 Ill. Adm. Code 510 - General Hunting and Trapping on Department-Owned or -Managed Sites.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

## ILLINOIS REGISTER

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

11) TIME, PLACE, AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price  
Lincoln Tower Plaza  
524 S. Second Street  
Springfield, Illinois 62701-1787

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:



## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER 1: DEPARTMENT OF CONSERVATION  
SUBCHAPTER b: FISH AND WILDLIFECOCK PHEASANT, HUNGARIAN PARTRIDGE, BOBWHITE QUAIL, RABBIT AND CROW  
HUNTING

Section	Statewide General Regulations
530.10	Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations
530.20	Statewide Crow Regulations
530.60	Controlled Pheasant Hunting Sites Permit Requirements
530.70	Controlled Pheasant Hunting Regulations
530.80	Illinois Youth Pheasant Hunting Sites Permit Requirements
530.90	Illinois Youth Pheasant Hunting Regulations
530.100	Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Various Department-Owned or -Managed Sites
530.105	Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites
530.110	Regulations for Hunting Crow at Various Department-Owned or -Managed Sites
530.120	

**AUTHORITY:** Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 3.5, 3.27, 3.28 and 3.29).

**SOURCE:** Adopted at 5 Ill. Reg. 8777, effective August 25, 1981; codified at 5 Ill. Reg. 10634; amended at 6 Ill. Reg. 10667, effective August 20, 1982; amended at 7 Ill. Reg. 10755, effective August 24, 1983; amended at 8 Ill. Reg. 21574, effective October 23, 1984; amended at 9 Ill. Reg. 15846, effective October 8, 1985; amended at 10 Ill. Reg. 15579, effective September 16, 1986; emergency amendments at 10 Ill. Reg. 18822, effective October 16, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 10546, effective May 21, 1987; amended at 12 Ill. Reg. 12016, effective July 7, 1988; amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 530.20 Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations**

- a) Zones: South zone for all species but rabbits consists of all lands south of U.S. Route 50; north zone is the remainder of the State; south zone for rabbits consists of all lands south of the line from U.S. Route 36 from the Indiana State line to Springfield, Route 29 from Springfield to Pekin and Route 9 from Pekin to Dallas City, then due west to the Mississippi River.

- b) Season dates:

North (all species) - November 54, 1988|1989 - January 21, 1989|1990

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

South (all species but rabbits) - November 14, 1988|1989 - January 87, 1989|1990  
South (rabbits) - November 4, 1989 - January 15, 1990

- c) Hunting hours: Sunrise until sunset.
- d) Daily limit:
- |                         |
|-------------------------|
| Cock Pheasant - 2       |
| Bobwhite Quail - 8      |
| Hungarian Partridge - 2 |
| Rabbit - 4              |
- e) Possession limit (after the first day of the hunting season):
- |                         |
|-------------------------|
| Cock Pheasant - 4       |
| Bobwhite Quail - 16     |
| Hungarian Partridge - 4 |
| Rabbit - 8              |
- f) Cock pheasant may be hunted only; hen pheasants are illegal to take or possess, except as specified on controlled hunting areas operated pursuant to Sections 1.13 and/or 3.27 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.13 and/or 3.27) or at sites listed in 17 Ill. Adm. Code 530.105 and as provided for on designated sites in 17 Ill. Adm. Code 530.110.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

**Section 530.70 Controlled Pheasant Hunting Sites Permit Requirements**

- a) Applicants must call contact the Department of Conservation (Department or DOC) to obtain a permit reservation. Starting dates for pheasants in a reservation along with the phone numbers to dialand methods for making reservations will be publicly announced. Applicants making reservations may request will be sent confirmation cards. Up to five reservations, and but only one per applicant, may be made per phone call. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season.
- b) Only one permit per person will be issued until the daily quota is filled. The daily quota is determined by the formula one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.
- c) Any duplicate reservations will be denied and the hunter will forfeit his rights to a permit. The permit authorizes the permit holder to bring one



## DEPARTMENT OF CONSERVATION

## DEPARTMENT OF CONSERVATION

89

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

hunting partner. (The hunting partner cannot hunt without the permit holder being present to hunt.) The Springfield Permit Office cannot transfer or alter reservations to change hunting areas, dates or hunters' names. Permits cannot be transferred on the hunting areas. For other information write to:

Illinois Department of Conservation  
Permit Office - Pheasant  
2nd Floor Lincoln Tower Plaza  
524 South Second St.  
Springfield, Illinois 62701-1787

- d) Reservations for pheasant hunting will be issued from the Springfield Permit Office for Chain O'Lakes State Park, Des Plaines State Fish and Wildlife Area, Eldon Hazlet State Park (Carlyle Lake), Iroquois County State Wildlife Area, Moraine View State Recreation Area, Wayne Fitzgerald State Recreation Area (Rend Lake), Richland County Controlled Pheasant Hunting Area and Green River State Wildlife Area (Lee County Conservation Area).

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 530.80 Controlled Pheasant Hunting Regulations

- a) The controlled hunting season is November 28 through December 14, both dates inclusive, with the following exceptions:
- 1) All areas will be closed to all hunting including pheasant permit hunting on every Monday and Tuesday during the controlled hunting season, except hunting for rabbit and bobwhite quail is open every Monday and Tuesday at Green River State Wildlife Area (Lee County Conservation Area), except as noted in 17 Ill. Adm. Code 530.110 and 679.66.
  - 2) All areas are open to the Illinois Youth Pheasant Hunting Program only on November 6<sup>12</sup>.
  - 3) The controlled hunting season on the Green River State Wildlife Area (Lee County Conservation Area) and the Iroquois County State Wildlife Area is November 2 through November 17, and November 23 through December 16. The controlled hunting season on the Wayne Fitzgerald State Recreation Area is November 2 through December 8 and December 14 through December 16. These areas are closed November 6<sup>12</sup> through November 8 through November 16, November 22 through December 17 and December 21 through December 23.

- 4) The controlled hunting season on the Iroquois County State Wildlife Area is November 1 through November 16, November 22 through December 10 and December 15 through December 17.

- b) Hunting hours are from 9:00 a.m. to 4:00 p.m. Hunters with reservations are required to check in at the check station between 7:00 a.m. and 8:00 a.m. Reservations are void after 8:00 a.m.
  - c) When daily quotas are not filled, permits will be issued on a first-come, first-served basis until 12:00 Noon.
  - d) Hunters are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession. A \$10.00 Daily Usage Stamp must be purchased at each area.
  - e) Hunters are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches. Hunters must also wear a back patch issued by the check station.
  - f) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area when he checks in. All such game found in a hunter's possession after he has started hunting on the area will be considered illegally taken if the hunter has not declared it prior to going into the field.
  - g) All hunting must be done with shotguns or bow and arrow. Only shot shells with a shot size of No. 5 lead or No. 3 steel or smaller may be used, except at the Wayne Fitzgerald State Recreation Area where only shot shells with a shot size of No. 3 steel or smaller may be used. Flu flu arrows only may be used by bow and arrow hunters.
  - h) Non-hunters are not allowed in the field.
  - i) Hunters under 16 years of age must be accompanied by an adult hunter.
  - j) Daily limit:
- Two pheasants of either sex at Eldon Hazlet State Park, Chain O'Lakes State Park, Iroquois County State Wildlife Area, Moraine View State Recreation Area, Richland County Controlled Pheasant Hunting Area, Wayne Fitzgerald State Recreation Area, Des Plaines State Fish and Wildlife Area and Green River State Wildlife Area (Lee County Conservation Area).



DEPARTMENT OF CONSERVATION  
NOTICE OF PROPOSED AMENDMENTS

- k) Tagging of birds.
- All pheasants must be affixed with a State Department tag before they are removed from the area during the controlled pheasant hunting season.
- l) Hunters may not leave the confines of any permit area and return to hunt on the permit area during the same day.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 530.90 Illinois Youth Pheasant Hunting Sites Permit Requirements**

- a) Applicants must call/contact the Department to obtain a permit reservation (except for Sangchris Lake and Railsplitter State Park). Starting dates for phoning in and methods for making reservations along with the phone numbers to dial will be publicly announced. Applicants making reservations may request will be sent confirmation cards. Up to five reservations, and but only one per applicant, may be made per phone call. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season. There is no fee for the youth pheasant hunting permit.
- b) Only one permit per person will be issued until the daily quota is filled. The daily quota is determined by the formula one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.
- c) Applicants must be between the ages of 10-15 inclusive. The Springfield Permit Office cannot transfer or alter reservations to change hunting areas, dates or hunters' names. Permits cannot be transferred on the hunting areas. For other information (except Sangchris Lake and Railsplitter State Park) write to:

Illinois Department of Conservation  
Permit Office - Pheasant  
Lincoln Tower Plaza  
524 South 2nd Street - Second Floor  
Springfield, Illinois 62701-1787

- d) Reservations for the Illinois Youth Pheasant Hunt will be issued from the Springfield Permit Office for Chain O'Lakes State Park, Des Plaines State Fish and Wildlife Area, Eldon Hazlet State Park (Carlyle Lake), Iroquois County State Wildlife Area, Moraine View State Recreation Area, Wayne Fitzgerald (Rend Lake) State Recreation Area, Richland County Controlled Pheasant Hunting Area, Green River State Wildlife Area (Lee County Conservation Area) and Horseshoe Lake Recreation Area (Madison County).

DEPARTMENT OF CONSERVATION  
NOTICE OF PROPOSED AMENDMENTS

- e) Permits for the Youth Pheasant Hunt at Sangchris Lake State Park will be issued by a mail-in drawing at the site office. Registration procedures and hunter quota will be announced by public news release. Applications for the drawing will be accepted during the period from November 1 through November 15. Applicants must be between the ages of 10-15 inclusive. The drawing will be conducted at the Sangchris Lake site office on November 16. Permits available after the drawing will be allocated on a first-come basis from the site office. Formal application blanks are not necessary to enter the drawing. Applicants will list on a plain piece of paper their name, mailing address, birthdate, and their first, second and third choice of hunting areas (Middle Peninsula-access by personal boat only, North Mainland, or East Mainland). Applications should be sent to:
- Sangchris Lake Upland Game Permit (Youth)  
Sangchris Lake State Park, R.R. 1, Rochester, IL 62563
- f) Permits for the Youth Hunt at Railsplitter State Park will be issued by a mail-in drawing at the site office. Registration procedures and hunter quota will be announced by public news release. Applications for the drawing will be accepted during the period from November 1 through November 15. Applicants must be between the ages of 10-15 inclusive. The drawing will be conducted at the Railsplitter site office on November 16. Permits available after the drawing will be allocated on a first-come or first-call basis from the site office. Formal application blanks are not necessary to enter the drawing. Applicants will list on a plain piece of paper their name, mailing address, birthdate, and their first, second and third choices of hunt dates. Applicants should be sent to:

Railsplitter Upland Game Permit (Youth)  
Railsplitter State Park  
R.R. 3  
Lincoln, IL 62656

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 530.100 Illinois Youth Pheasant Hunting Regulations**

- a) The Illinois Youth Pheasant Hunt will be November 612, 19881989, except at Sangchris Lake State Park where the hunt will be December 1716, 1988 1989, and at Railsplitter State Park where the hunt will be December 2, 3 and 16, 1989.
- b) Hunting hours are from 9:00 a.m. to 4:00 p.m. Hunters with reservations or permits are required to check in at the check station between 7:00 a.m. and 8:00 a.m. (between 8:00 a.m. and 8:30 a.m. at Sangchris Lake and Railsplitter State Park).



DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- c) All hunters must have a youth hunting ~~reservation~~ permit. Stand-by permits will not be available except at Sangchris Lake and Rallsplitter State Park.
- d) All hunters are required to deposit their hunting licenses in the check station while hunting. Each permit holder MUST be accompanied by a non-hunting supervisory adult. If the hunter does not have a valid Firearm Owner's Identification Card (FOID), the supervisory adult is required to have a valid FOID Card. Only one supervisory adult in a hunting party is required to have a valid FOID Card if the hunters in the hunting party stay under the immediate control (accompany youth hunter at all times) of the supervisory adult possessing the valid FOID Card.
- e) Hunters and supervising adults are required to wear a cap and upper outer garment of solid and vivid blaze orange of a least 400 square inches. Hunters must also wear a back patch issued by the check station.
- f) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area prior to hunting on the area. All previously killed game found in a hunter's possession after he has started hunting on the area will be considered illegally taken if the hunter has not declared it prior to going into the field.
- g) All hunting must be done with shotguns. Only shot shells with a shot size of No. 5 lead or No. 3 steel or smaller may be used, except at the Wayne Fitzgerald State Recreation Area where only shot shells with a shot size of No. 3 steel or smaller may be used.
- h) Daily limit.
  - 1) Two pheasants of either sex at Eldon Hazlet State Park, Chain O'Lakes State Park, Iroquois County State Wildlife Area, Green River State Wildlife Area (Lee County Conservation Area), Des Plaines State Fish and Wildlife Area, Richland County Controlled Pheasant Hunting Area, Wayne Fitzgerald State Recreation Area, Moraine View State Recreation Area and Horseshoe Lake Recreation Area (Madison County).
  - 2) Two cock pheasant, eight quail and four rabbits, at Sangchris Lake State Park.
  - 3) Two cock pheasant and four rabbits at Rallsplitter State Park.
- i) All pheasants must be affixed with a ~~State~~ Department tag before they are removed from the area (except Sangchris Lake and Rallsplitter State Park).

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 530.105 Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Various Department-Owned or -Managed Sites**

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) All hunters must wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches.
- c) All areas are closed to hunting Mondays and Tuesdays, Christmas Day and New Year's Day, with the following exceptions: non-fee rabbit hunting is allowed every Monday and Tuesday at Ramsey Lake State Park, which is closed on Christmas Day and New Year's Day, and Johnson-Sauk-Trail-is-open-New-Year's-Day; hunting hours are 9:00 a.m. to 3:00 p.m. (except on Thanksgiving Day hunting hours are 9:00 a.m. to 1:00 p.m. at Kankakee River State Park, Silver Springs State Park, Sand Ridge State Forest and Site M Controlled Pheasant Hunting Area).
- d) All hunting must be done with shotgun or bow and arrow. Only shot shells with a shot size of No. 5 lead or No. 3 steel or smaller may be used. Flu flu arrows only may be used by bow and arrow hunters.
- e) All pheasants and quail must be affixed with a ~~State~~ Department tag before they are removed from the area.
- f) A drawing will be held at the site for hunter quotas; a \$10.00 daily usage stamp is required opening date through the day following the final game bird release.
- g) When daily quotas are not filled, hunters will be allowed to check in on a first-come first-served basis until 1:00 p.m.
- h) The Department will announce by public news release the registration time and quota to be filled.
- i) Hunters are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.
- j) A back patch issued at the check station must be worn while hunting.
- k) Non-hunters are not allowed in the field.



## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

- l) Hunters will not leave the site without first checking out.
- m) Pheasants of either sex may be harvested except at the Site M Controlled Quail and Pheasant Hunting Area where only cock pheasants may be harvested.
- n) Statewide regulations as provided for in this rule apply at the following sites, except as noted above and in parentheses below:
  - Horseshoe Lake State Park (Madison County) (hunting season opens the first hunting day after the close of the duck hunting season)
  - Johnson-Sauk Trail
  - Kankakee River State Park (Hunters must check out by 3:15 p.m.; closed first firearm deer season)
  - Ramsey Lake State Park
  - Sand Ridge State Forest
  - Silver Springs State Park (Hunters must check out by 3:15 p.m.)
  - Site M Controlled Quail and Pheasant Hunting Area
  - Washington County Conservation Area

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 530.110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites**

- a) All the regulations in 17 Ill. Adm. Code 510 --General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) Flu flu arrows only may be used by bow and arrow hunters.
- c) Hunters engaged in quail, rabbit, pheasant, or Hungarian partridge hunting must wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches at all Department-owned or -managed sites.
- d) The Department will announce by public news release the registration time and quota to be filled at sites where the hunter quota will be filled by drawing at the sites.
- e) Statewide regulations as provided for in this rule apply at the following sites (exceptions are in parentheses):

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

- Anderson Lake Conservation Area
- Argyle Lake State Park
- Big Bend Conservation Area
- Big River State Forest (no hunting during firearm deer season)
- Carlyle Lake Lands and Waters - Corps of Engineers-managed lands
- Carlyle Lake Wildlife Management Area (no hunting in the subimpoundment area 3 days prior to and during duck season)
- Chain O'Lakes State Park - (opens Wednesday after permit pheasant season for five consecutive days, except closed on Christmas Day; 8:00 a.m. to 4:00 p.m.; hunters must check in and check out; daily quota filled on first-come, first-serve basis; DOC issued back patch must be worn while hunting; only shot size of No. 5 lead or No. 3 steel or smaller may be used; pheasants of either sex may be taken; hens must be tagged with Department tag at the check station before leaving the area)
- Clinton Lake State Recreation Area (8:00 a.m. - 4:00 p.m.; hunters must check in and check out; DOC issued back patch must be worn while hunting; hunters surrender hunting license while hunting; hunting by falconry methods permitted (17 Ill. Adm. Code 1590))
- Crawford County Conservation Area
- Des Plaines Fish and Wildlife Area (opens Wednesday through Sunday after permit pheasant season, and the following Wednesday through Sunday only; closed on Christmas Day and New Year's Day; 9:00 a.m. to 4:00 p.m.; check in and check out required; daily quota filled by first-come, first-serve basis; hunters must wear DOC issued back patch while hunting; hunters must check out by 4:15 p.m.; only shot size of No. 5 lead or No. 3 steel or smaller may be used; pheasants of either sex may be taken; hens must be tagged with Department tag at the check station before leaving the area)
- Eldon Hazlet State Park (North of Allen Branch and West of Peppenhorst Branch only)
- Ferne Clyffe State Park
- Fort De Chartres Historic Site (8:00 a.m. to 4:00 p.m.; hunting with muzzle-loading shotguns with a minimum barrel length of 26 inches using black powder - fired by percussion cap or flint-type ignition with lead shot or bow and arrow only may be used; shotgun or bow and arrow only)



## ILLINOIS REGISTER

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

Fort Massac State Park (8:00 a.m. to 4:00 p.m.)

Giant City State Park (8:00 a.m. to 4:00 p.m.)

Green River State Wildlife Area (Lee County Conservation Area) (hunting for rabbit and quail on Monday and Tuesday only during the permit pheasant season; pheasant hunting permitted two days following close of permit pheasant season)

Hamilton County Conservation Area (8:00 a.m. to 4:00 p.m.)

Horseshoe Lake Public Hunting Area-Alexander County (Waterfowl Permit Area closed)

~~Horseshoe Lake State Park (Madison County) (public drawing at 9:00 a.m. - December 31 - hunting hours 9:00 a.m. to 3 p.m.; pheasants, rabbits and quail may be harvested)~~

## I-24 Wildlife Management Area

Iroquois County State Wildlife Area (season opens the day two days after the pheasant permit season closes and runs for 5 consecutive days; 8:00 a.m. to 4:00 p.m.; hunters must check in and check out and wear Department issued back patch while hunting; pheasants of either sex may be taken, hen pheasants must be tagged with Department tag at the check station before leaving the area)

Johnson-Sauk Trail State Park (drawing at site for hunter quota; 9:00 a.m. to 3:00 p.m.; non-fee hunting opens Wednesday after the final game bird release and continues until the close of the season, except closed Christmas Day, and Mondays and Tuesdays (only shot size of No. 5 lead or No. 3 steel or smaller may be used)

Jubilee College State Park (Sunrise to 4:00 p.m.)

Kankakee River State Park (9:00 a.m. to 3:00 p.m.; non-fee hunting opens the Wednesday after the final game bird release for five consecutive days or until the end of the season, whichever comes first; closed Christmas Day, New Year's Day and Mondays and Tuesdays; hunters must check in and check out; daily quota filled by drawing at 8:30 a.m.; hunters must check out by 3:15 p.m.; DOC back patch must be worn while hunting; only shot size of No. 5 lead or No. 3 steel or smaller may be used)

Kaskaskia River Fish and Wildlife Area (except Doza Creek Waterfowl Management Unit closed 3 days prior to and during duck season)

## ILLINOIS REGISTER

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

Kickapoo State Park (8:00 a.m. to 4:00 p.m.; no hunting during firearm deer season; hunters must check in and check out and report harvest; DOC issued back patch must be worn while hunting during the first 9 days of the season)

Lake Kinkaid Fish and Wildlife Area

Lake Shelbyville - Kaskaskia and West Okaw Fish and Wildlife Area

Little Black Slough State Natural Area

Lower Cache River State Natural Area

Mackinaw River State Fish and Wildlife Area (first 10 days of season, sunrise to 4:00 p.m.; daily usage quota filled on first-come basis; rabbit hunting only reopens the third Saturday in December for 9 consecutive days)

Marseilles Fish and Wildlife Area (no hunting during firearm deer season)

Marshall State Fish and Wildlife Area (no hunting during firearm deer season)

Mazonia State Fish and Wildlife Area (opens the day after the close of the Central Zone duck season; hunting hours 9:00 a.m. - 3:00 p.m.; only shot size of #5 lead or #3 steel or smaller may be used; check in and check out required; hunter quota filled by daily drawing for first seven days of season; to participate in daily drawing, hunters must check in by 8:30 a.m.; IDOC issued backpatch must be worn during first seven days; after the first seven days, hunters must sign in and sign out and report harvest; area closes at 3:30 p.m. daily.

## Mermet Conservation Area

Middlefork Fish and Wildlife Area (8:00 a.m. to 4:00 p.m.; no hunting during the firearm deer season; hunters must check in and check out and report harvest; DOC issued back patch must be worn while hunting during the first 9 days of the season)

Mississippi River Pools 16, 17, 18, 21, 22, 24, 25 and 26

Moraine View State Park (rabbit hunting only permitted on Mondays and Tuesdays of permit pheasant hunting season when hunters must sign in and sign out at check station, and wear DOC issued back patch; hunting for pheasant and rabbit is permitted from the day after the permit pheasant season for seven consecutive days when hunters must check in and check out and wear DOC issued



## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

back patch while hunting; hunting hours for both periods are 8:00 a.m. to 4:00 p.m.; hunting for pheasant, rabbit and quail by falconry methods permitted October 1 through two days before permit pheasant season opens and per regulations in 17 Ill. Adm. Code 1590; falconry hunters must obtain free permit from site office before hunting and report harvest by December 1; failure to report harvest will result in loss of hunting privileges the following year)

## Panther Creek Conservation Area

Pike County Conservation Area (no hunting after November 30 in Area A)

Pyramid State Park (8:00 a.m. to 4:00 p.m.)

Railsplitter State Park (a pheasant and rabbit hunting program will be conducted 1 day only on December 17, 1989; Railsplitter Upland Game Permits will be issued by a mail-in drawing at the site office. Registration procedures and hunter quota will be announced by public news release. Applications for the drawing will be accepted during the period from November 1 through November 15. The drawing will be conducted at the Railsplitter site office on November 16. Permits available after the drawing will be allocated on a first-come basis from the site office. Formal application blanks are not necessary to enter the drawing. Applicants will list on a plain piece of paper their name, mailing address and birthdate. Applications should be sent to: Railsplitter Upland Game Permit (Adult), Railsplitter State Park, R.R. 3, Lincoln, IL 62656. Each permittee must check in at the site office between 8:00 a.m. and 8:30 a.m. and exchange his hunting license and Railsplitter Upland Game Permit for a back patch to be worn while in the field. Hunting hours are 8:30 a.m. to 4:00 p.m. Each hunter must check out and report his harvest at the hunter check station by 4:00 p.m. Statewide bag limits of 2 cock pheasants and 4 rabbits are in force.)

Ramsey Lake State Park (drawing at site for hunter quota; 9:00 a.m. to 3:00 p.m.; non-fee hunting opens Wednesday after the final game bird release and continues until the close of the season, except closed Christmas Day, New Year's Day and Mondays and Tuesdays; only shot size of No. 5 lead or No. 3 steel or smaller may be used)

## Randolph County Conservation Area

Red Hills State Park (8:00 a.m. to 4:00 p.m.)

## Rend Lake Wildlife Management Area

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

Saline County Conservation Area (8:00 a.m. to 4:00 p.m.)

Sam Dale Conservation Area (8:00 a.m. to 4:00 p.m.)

Sam Parr Fish and Wildlife Area (8:00 a.m. to 4:00 p.m.)

Sand Ridge State Forest (drawing at site for hunter quota; 9:00 a.m. to 3:00 p.m.; non-fee hunting opens Wednesday after the final game bird release and continues until the close of the season, except closed Christmas Day, New Year's Day and Mondays and Tuesdays; only shot size of No. 5 lead or No. 4 steel or smaller may be used)

## Sangamon County Conservation Area

## Sanganois Conservation Area

Sangchris Lake State Park (a pheasant, quail, and rabbit hunting program will be conducted 1 day only on December 18, 1989; Sangchris Lake Upland Game Permits will be issued by a mail-in drawing at the site office. Registration procedures and hunter quota will be announced by public news release. Applications for the drawing will be accepted during the period from November 1 through November 15. The drawing will be conducted at the Sangchris Lake site office on November 16. Permits available after the drawing will be allocated on a first-come basis from the site office. Formal application blanks are not necessary to enter the drawing. Applicants will list on a plain piece of paper their name, mailing address, birthdate, and their first, second, and third choice of hunting areas (Middle Peninsula-access by personal boat only, North Mainland, or East Mainland). Applications should be sent to: Sangchris Lake Upland Game Permit (Adult), Sangchris Lake State Park, R.R. 1, Rochester, IL 62563. Each permittee must check in at the site office between 8:00 a.m. and 8:30 a.m. and exchange his hunting license and Sangchris Lake Upland Game Permit for a back patch to be worn while in the field. Hunting hours are 8:30 a.m. to 4:00 p.m. Each hunter must check out and report his harvest at the hunter check station by 4:00 p.m. Statewide bag limits of 2 cock pheasants, 4 rabbits, and 8 quail are in force. Rabbit hunting will be permitted at Sangchris Lake State Park from December 26, 1989 through January 1, 1990; the end of the season except on Christmas and New Year's Day; hunter quota will be announced by public news release; Daily Sangchris Lake Rabbit Hunting Permits will be issued on a first-come basis at the site office between 8:00 a.m. and 9:00 a.m. on each respective hunting day. Hunters must possess a Sangchris Lake Rabbit Hunting Permit at all times when hunting. Hunting hours are 8:30 a.m. to 4:00 p.m. Each Hunter must check out and report his harvest at the hunter check station by 4:00 p.m. Statewide bag limit of 4 rabbits is in force)



## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

Shawnee National Forest, LaRue Scatters (sunrise - noon)

Shawnee National Forest, Oakwood Bottoms (Greentree Reservoir, west of the Big Muddy Levee, sunrise - noon during statewide waterfowl season; after waterfowl season statewide hours; steel shot only)

Silver Springs State Park (9:00 a.m. to 3:00 p.m.; non-fee hunting opens the Wednesday after the final game bird release and runs for five consecutive days or until the end of the season, whichever comes first; closed Christmas Day, New Year's Day and Mondays and Tuesdays; hunters must check in and check out; daily quota filled by drawing at 3:30 a.m.; hunters must check out by 3:15 p.m.; DOC issued back patch must be worn while hunting; only shot size of No. 5 lead or No. 3 steel or smaller may be used; hunting for pheasant, rabbit and quail by falconry methods permitted October 1 through two days before permit pheasant season opens and per regulations in 17 Ill. Adm. Code 1590; falconry hunters must obtain free permit from site office before hunting and report harvest by December 1; failure to report harvest will result in loss of hunting privileges the following year)

Site M - Land leased from Commonwealth Edison in Cass County (In designated areas hunting will be allowed on weekends as announced by the Department. Hunting is limited to shotgun only in these areas. A hunter quota of 100 hunters is established on a first-come, first-served basis. In addition tenants of the site and their immediate families (tenant is a person who lives on the land; immediate family is any person (s) living with the tenant on the land) will be allowed to hunt. Check in time is one-half hour before sunrise and all hunters must check in and out through the check station. Hunters other than tenants and immediate families will be assigned to a designated hunting area to begin hunt; after one hour of hunting, hunters may move to other areas at this site; parking is permitted at designated parking areas only)

Stephen A. Forbes State Park (8:00 a.m. to 4:00 p.m.)

Tapley Woods State Natural Area (closed during firearm deer season)

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Washington County Conservation Area (drawing at site for hunter quota; 9:00 a.m. to 3:00 p.m.; non-fee hunting opens Wednesday after the final game bird release and continues until the close of the season, except closed Christmas Day, New Year's Day and

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

Mondays and Tuesdays; only shot size of No. 5 lead or No. 4 steel or smaller may be used)

Wayne Fitzgerald State Recreation Area (rabbit hunting only. Daily drawing at the site. Show up time 8:00 a.m. Hunting hours 9:00 a.m. through 3:00 p.m. daily. Hunting opens ~~Saturday~~ Monday, December 17~~18~~ through ~~Friday~~ Sunday, December 23~~24~~. Only shot size of No. 3 steel or smaller may be used).

Weinberg-King State Park

Wildcat Hollow State Forest

- f) Statewide regulations as provided for in this Part apply at the following sites, with additional regulations in parentheses. In addition, a free permit is required, which is obtained from each site office. Permits must be in possession while hunting. A ~~windshield card~~ provided along with the permit, must be displayed in the hunter's vehicle windshield while hunting with the permit number visible. The permit must be returned and harvest reported by February 15 or the hunter will forfeit his hunting privileges at that particular site for the following year.

Eagle Creek State Park

Fox Ridge State Park

Hidden Springs State Forest (no hunting during firearm deer season)

Lake Shelbyville Eagle Creek Wildlife Management Area

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



1) HEADING OF THE PART: Designation of Restricted Waters in the State of Illinois

2) CODE CITATION: 17 Ill. Adm. Code 2030

3) SECTION NUMBERS:

2030.20  
2030.30  
2030.40  
2030.50  
2030.60

PROPOSED ACTION:

Amendments  
Amendments  
Amendments  
New Section

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 5-7 and 5-12 of the Boat Registration and Safety Act (Ill. Rev. Stat. 1987, ch. 95½, pars. 315-7 and 315-7.5).

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: In Section 2030.30, Designated Restricted Boating Areas, language regulating the Fox Chain O'Lakes is being removed because the Fox River Chain O'Lakes Management Authority now has authority over these waters and Crystal Lake is being removed because local rules have been adopted which are adequate. Other changes in the rule have been made to add and delete areas and to clarify existing language.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? Yes, published at 13 Ill. Reg. 2878, March 3, 1989

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE, AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price  
Lincoln Tower Plaza  
524 S. Second Street  
Springfield, Illinois 62701-1787

NOTICE OF PROPOSED AMENDMENTS

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:



DEPARTMENT OF CONSERVATION  
NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER 1: DEPARTMENT OF CONSERVATION  
SUBCHAPTER e: LAW ENFORCEMENT

## PART 2030

## DESIGNATION OF RESTRICTED WATERS IN THE STATE OF ILLINOIS

## Section

- 2030.15 Designation of Restricted Waters by the Department of Conservation  
2030.20 Region II - Designated Restricted Boating Areas  
2030.30 Region III - Designated Restricted Boating Areas  
2030.40 Region III - Designated Restricted Boating Areas  
2030.50 Region IV - Designated Restricted Boating Areas  
2030.60 Region V - Designated Restricted Boating Areas

**AUTHORITY:** Implementing and authorized by Sections 5-7 and 5-12 of the Boat Registration and Safety Act (Ill. Rev. Stat. 1987, ch. 95½, pars. 315-7 and 315-7.5).

**SOURCE:** Adopted at 5 Ill. Reg. 8763, effective August 25, 1981; codified at 5 Ill. Reg. 10617; amended at 9 Ill. Reg. 4789, effective April 2, 1985; amended at 11 Ill. Reg. 9519, effective May 5, 1987; emergency amendments at 12 Ill. Reg. 8745, effective May 15, 1988, for a maximum of 150 days; emergency amendments expired September 20, 1988; emergency amendments at 12 Ill. Reg. 12111, effective July 6, 1988, for a maximum of 150 days; emergency expired December 12, 1988; amended at 12 Ill. Reg. 16707, effective September 30, 1988; amended at 12 Ill. Reg. 20472, effective November 28, 1988; emergency amendments at 13 Ill. Reg. 2878, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 2030.20 Region II - Designated Restricted Boating Areas

a) The following portions of the Rock River are designated as Slow, No Wake areas:

- 1) An area of the Rock River located at Moonlite Bay, 4 miles east of Sterling and 6 miles west of Dixon, Illinois.
- 2) The backwater section of the Mississippi River (river mile marker 429.8) that starts at the Harbor opening of Rotter's Lake, Sunset Park, Rock Island and covers the entire lake area.
- 3) The portion of the Rock River 1/4 mile above the dam at Oregon, Illinois, at the docking area at Lowden Memorial Park.
- 4) An area of the Rock River located at Joe's Marina, N. Second Street, Rockford, Illinois.
- 5) An area of the Rock River located at Martin Park, Loves Park, Illinois.

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

- 6) An area located at the Albany Marina, Albany Township.
- 7) An area located at the Fulton Sandbar in Fulton Township.
- 8) An area at the Rock River Boat Club, Colona, Illinois.

b) The following portions of the Fox River are designated as Slow, No Wake areas:

The portion of the Fox River between the Main Street bridge of the City of Ottawa and the mouth of the Fox River at the confluence of the Illinois River.

c) The following portions of the Illinois River are designated as Slow, No Wake areas:

- 1) The portion of the Illinois River from the Burlington Northern R. R. bridge in the City of Ottawa to the upstream side of the mouth of the Fox River.
- 2) The area of the Illinois River near the Spring Bay boat harbor at Spring Bay, Illinois.
- 3) An area of the Illinois River at the Woodford County Conservation area, 7 miles north of Spring Bay off Route 87.
- 4) An area of the Illinois River located at the Detweiler Marina, Peoria, Illinois.
- 5) An area of the Illinois River at Alfrisco Harbor, Peoria Heights, Illinois.
- 6) An area located at the Sobowski Marina, Peoria Heights, Illinois.
- 7) An area located at the Illinois Valley Yacht Club, Peoria Heights, Illinois.
- 8) An area at Henry, Illinois, on the west side of the River from Browns Landing to 300 yards north of the bridge.
- 9) The Lacon Boat Club Dock, Lacon, Illinois.
- 10) The boat harbor at Lacon, Illinois.
- 11) An area at the town of Hennepin and Spring Valley, Illinois.
- 12) An area at the South Shore Boat Club, Peru, Illinois.



## ILLINOIS REGISTER

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

- 13) The launching area at Starved Rock State Park.
- 14) The harbor of Starved Rock Marina, Ottawa, Illinois.
- 15) An area at the Starved Rock Yacht Club at Ottawa, Illinois.
- 16) The waters of the Illinois River beginning in front of the Pekin Boat Club launching ramp.
- d) The following portions of the Mississippi River are designated as Slow, No Wake areas:
  - 1) An area bordering the Savanna Park waterfront, extending from a jetty south of the Ritchie Boat Dock, north to a jetty north of the Kindell Marina.
  - 2) An area in the vicinity of the boat dock and launching ramp at Loud Thunder Forest Preserve located 3 miles west of Andalusia.
  - 3) An area in Vaeley Chute which runs through the Andalusia Islands located 4 miles west of Andalusia.
  - 4) An area at the launching ramp and harbor of the Rock Island Boat Club located the foot of 18th Avenue in Rock Island.
  - 5) An area at the harbor and boat ramp in front of the Legion Hall at Cordova, Illinois.
  - 6) An area located at the boat ramps, City of Moline, between 26th Street and 34th Street and River Drive.
  - 7) An area near the launching ramps and bathing beach at Keithsburg, Illinois.
  - 8) An area in the chute connecting Sturgeon Bay and the Mississippi River at New Boston, Illinois.
  - 9) An area near the boat ramp and floating gas station at the end of Route 17 at New Boston.
  - 10) An area at Shokohon, Illinois.
  - 11) An area in the fish preserve lock and dam 19 at Hamilton, Illinois.
  - 12) The public launching area 3 miles north above the dam at Hamilton.

## ILLINOIS REGISTER

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

- 13) An area 6 1/2 miles north of Hamilton, Illinois.
- 14) The waters of Harris Slough Mississippi River backwaters at the Galena Boat Club, 3 miles south of Galena, Illinois.
- 15) The water of Frentrees Lake, Mississippi River backwaters, 3 miles south of East Dubuque.
- 16) ~~The Sinsinawa River at Beaver Valley Marina, 2 miles west of Galena.~~
- 17) ~~The backwater section of the Mississippi River (river mile marker 479.8) that starts at the Harbor opening of Potter's Lake, Sunset Park, Rock Island and covers the entire lake area.~~
- 18) ~~The area of Cattail Slough off the Mississippi River, located south of Fulton, Whiteside County, 7/10 mile in length, 150 yards wide, starting on the north at the Chicago and Northwestern R. R. bridge and extending south 7/10 of a mile to the first narrows.~~
- 19) ~~The waters of the south entrance to Chandler Slough lying upstream from the north boundary of the U.S. Fish and Wildlife Service property up to and including the Bent Prop Marina harbor area.~~
- 20) ~~That area of the Mississippi River known as Chandler Slough which fronts Shore Acres, J. J. Jungwirth Subdivision No. 1, City of East Dubuque, County of Jo Daviess.~~
- 21) ~~The waters of Frentress Lake lying upstream from the boat ramp at Charlies Boat Dock, including the adjacent sand pit harbor area.~~
- 22) ~~An area in the East Dubuque Boat Harbor including the entrance to the harbor coming in from the river.~~
- 23) ~~An area of the Mississippi River in the vicinity of the Lazy River Marina at Savanna, Illinois, extending from the upper limit of the dredge cut at Miller's Lake to a point north of the Miller's Hollow public launching ramp.~~
- 24) ~~The backwater section of the Mississippi River (river mile marker 479.8) that starts at the Harbor opening of Potter's Lake, Sunset Park, Rock Island and covers the entire lake area.~~
- 25) ~~An area located at the Albany Marina, Albany Township, Whiteside County.~~
- 26) ~~An area located at the Fulton Sandbar in Fulton Township, Whiteside County.~~



## ILLINOIS REGISTER

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

e) The following waters of Region I shall be designated as restricted waters as described below:

- 1) NO BOATS
  - A) The swimming area at Martin Park, Loves Park, Illinois.
  - B) The swimming area at Albany Beach located in Albany Township.
  - C) The swimming area at the Santa Fe Island bar, approximately 4 miles north of Savanna.
  - D) The head of Big Island and 1 1/2 miles north of Oquawka, Illinois.
  - E) The Boy Scout Camp located on Lake Cooper, Mississippi River.
  - F) The swimming area located at Mississippi River Mile Marker 580, at the East Dubuque Sand Bar, East Dubuque, Illinois.
  - G) The waters of the four chutes of Argyle Lake, approximately 2 miles north of Colchester, Illinois.
  - H) The water 600 feet above and 150 feet below dams 12, 13, 14, 15, 16, 17 and 18 on the Mississippi River.
- 2) NO SKI - It shall be unlawful to water ski in the following designated waters:
 

That area of the inside cut of the Mississippi River, opening directly into Frontrees Lake, includes the area from the north to the south entrances from the river slough, inclusive, east of Mile Post 576.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2030.30 Region II - Designated Restricted Boating Areas

- a) The following portions of the Fox River are designated as Slow, No Wake areas:
  - 1) Those portions of water of the Fox River in the Channel east of the island known as Carpenter's Island, which is located south of the Northwest Tollway Bridge, in the vicinity of Bruhman's Camp near Elgin, Illinois.

## ILLINOIS REGISTER

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

- 2) That portion of the Fox River from 1000 feet north of the McHenry City Beach to the southern boundary of the McHenry County Club.
- 3) That portion of the Fox River which is posted by signs south of the McHenry Boat Lock, at the opening of the McHenry Boat Lock Channel and the Fox River signs posting. These areas read: "Slow-No Wake."
- 4) That portion of the Fox River, in a 3/4 mile area north of the bridge at 173, County of Lake, State of Illinois, which is hereby set aside as a restricted area for boats of all kinds, to protect fishing, swimming and property adjacent thereto; said area shall be designated by signs and buoys which prohibit the use of boats in the buoyed area except at a "Slow-No Wake" speed.
- b) The following waters located in Region 2 shall be designated as Slow, No Wake areas:
  - 1) The waters of the Little Galumet River at 131st Street, Blue Island, Illinois, in an area extending from the Forest Preserve Launching Ramp at Ashland Avenue, eastward 300 yards to a point just beyond Eubanks Boat Dock.
  - 2) Certain water areas of Red Head Lake, Pistakee Lake (Meyers Bay Mathews Lake Entrance, Italian Wellfare Bay, Regan Bay, Pitzens Bay), Fox Lake (Minola Bay, Stanton Bay), Lake Catherine, Channel Lake (north and south end) and Shumeson Bay, Lake Marie (Haisman Bay, Ferris Bay, Northwest Bay), west side near Channel to Grass Lake, Bluff Lake, Spring Lake and Petite Lake, except at a No Wake speed, as prescribed by signs and buoys designating such areas; readings: "Slow-No Wake", "Fishing - Area Slow-No Wake" and "No Anchoring".
  - 3) On the Des Plaines River in the immediate location 500 feet southeast and continuing downstream approximately 500 feet northwest of the Joliet Yacht Club, Wilmetton, Illinois.
  - 4) On the Des Plaines River at the entrance to the Three Rivers Yacht Club on the Kankakee River, Right Bank from 1/3 mile above to 2/3 mile below the Grundy County Line Bridge, and in an area at the upper end of the Kankakee River, Will County.
  - 5) An area of Nippersink Lake in the vicinity of Point Comfort Crabapple Island and Lotus Woods.
  - 6) Crystal Lake, McHenry County.
    - A) All boats traveling at wake speed on Crystal Lake shall travel in a counter-clockwise rotation.



## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

- b) The main body of Crystal Lake shall be No Wake from sunset to sunrise.
- c) That portion of Crystal Lake lying westerly of a north-south line extending south from Edgewood Avenue to Sunset Drive shall be No Wake from sunset to 10:00 a.m.
- d) A No Wake zone is authorized bordering all legally established community swimming beaches at Crystal Lake, said No Wake zone being no less than 15 feet and no more than 25 feet outside the buoyed-off swimming area.
- e) The following waters of Region 2 shall be designated as restricted waters as described below:

## 1) NO ANCHORING

An area on the west side of the south end of Pistakee Bay, such area to extend 100 yards from the shore and a length of 2,000 feet front 1226 Old Bay Road to 1426 Old Bay Road, McHenry, Illinois,

## 2) NO BOATS

a) That portion of the south section of Lake Catherine, County of Lake, State of Illinois, which is hereby set aside as a swimming area, in which the use of boats is prohibited. Said area shall be designated by signs and buoys which prohibit the use of boats.

b) It shall be unlawful to operate any watercraft in the swimming areas located at Point Comfort, Nippersink Lake, east end of Stanton Bay, Fox Lake, and east side of Bluff Lake, prescribed by buoys designating such swimming areas.

c) It shall be unlawful for any person to use a motor of a size larger than ten (10) horsepower on a boat using the waters of Grissold Lake in McHenry County. In addition, certain areas of the Lake shall be set aside as swimming areas wherein the operation of boats will not be permitted, said swimming areas shall be designated by signs and buoys. Signs shall also be posted setting forth the ten (10) horsepower limitation, thus applying Section 8-3 to include all provisions and penalties of Sections 5-7 and 5-12 of the Boat Registration and Safety Act (Ill. Rev. Stat., 1987, ch. 95 1/2, pars. 3-15-7 and 3-15-7 c).

a) The following waters located in Region II shall be designated as Slow, No Wake areas:

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) On the waters of the Little Calumet River in an area around the Forest Preserve Launching Ramp at 31st Street and Ashland Avenue, Blue Island, Illinois, extending 150 feet from the launching ramp.
- 2) An area around the Bay Hill Marina, Wilmington, Illinois (approximately mile 273.7) extending 150 feet out into the river and 300 feet both upstream and downstream from the center of the Marina.
- 3) On the Des Plaines River in an area around the Three Rivers Yacht Club, Wilmington, Illinois (approximately mile 273.7), extending 150 feet from the harbor entrance.
- 4) On the Kankakee River in an area around the launching ramp at Des Plaines Conservation Area, extending 150 feet from the launching ramp.
- 5) On the Illinois River in an area around the launching ramp at Wm. G. Stratton Access Area (approximately mile 263.5), extending 150 feet from the launching ramp.
- b) It shall be unlawful to operate any watercraft with a motor larger than 10 (10) horsepower on the waters of Grissold Lake in McHenry County.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2030.40 Region III - Designated Restricted Boating Areas

The following areas are designated as Slow, No Wake areas:

- a) These portions of Lake Decatur listed below:  
Sand Creek Area  
Big Creek Area  
Rea's Bridge Area  
Vests' Landing Area
- b) Posted areas of East and West Lakes, north of Paris, Illinois.
- c) Posted areas of Lake Vermilion, Danville, Illinois.
- d) Posted areas of Waterworks Lake, Little Vermilion River, Georgetown, Illinois.



## ILLINOIS REGISTER

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

- e) Posted areas of Lake Shelbyville.
- f) Posted areas of Lake Mattoon in Cumberland, Coles and Shelby Counties.
- g) Posted areas of Charleston Side Channel Lake, Charleston, Illinois.
- h) Posted areas of Mill Creek Lake, Clark County Park District, Clarksville, Illinois.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 2030.50 Region 4IV - Designated Restricted Boating Areas

- a) The following portions of the Illinois River are designated as Slow, No Wake areas:
  - 1) In the area designated as ~~a fish preserve~~ on the west side of Diamond Island in the waters known as Dark Chute.
  - 2) The designated portion of the river in the vicinity of "The Boatel" at Naples, Illinois.
  - 3) The designated area in the vicinity of the boat launching ramp at Havana, Illinois.
  - 4) The mouth of Patterson Bay.
  - 5) The waters of Bath Chute at head of Island, at the foot of Island, above the town of Bath, Illinois, and below the town of Bath, Illinois.
  - 6) ~~Certain areas of Piassa Creek~~
  - 7) ~~Certain areas of Otter Creek~~
  - 8) ~~The area of Lemkenmeter Boat Dock in Jersey County,~~
  - 9) ~~Certain Designated areas of Pulman Lake in Calhoun County.~~
  - 10) ~~Certain Designated areas of Silver Lake in Calhoun County.~~
  - 11) ~~Certain areas of Quincy Bay in the Waterfowl Management Area.~~
- b) The following portion of the Mississippi River is designated as No Boats:
 

The water 600 feet above and 150 feet below dams 19, 20, 21 and 22 on the Mississippi River.
- c) The following portions of Quincy Bay in Adams County are designated as Slow, No Wake Areas:

## ILLINOIS REGISTER

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Designated area at the entrance to Broad Lake.
- 2) Designated area at the "River Channel Cut-Through."
- 3) Quincy Bay Harbor area from the Railroad Bridge south to the southern tip of Quinsippi Island.
- d) Piassa Creek in Jersey County from its mouth at the Mississippi River upstream to Illinois Route 100 bridge.
- e) Otter Creek in Jersey County from its mouth at the Mississippi River upstream to Illinois Route 100 bridge.
- f) Sangchris Lake in Christian County - the buoyed area of the coves containing the east and west boat launches.
- g) Macoupin Creek from its mouth at the Illinois River upstream to Reddish Ford bridge.
- h) Coffeen Lake in Montgomery County - the buoyed areas surrounding all boat launches.
- i) The following portions of the Kaskaskia River are designated as Slow, No Wake Areas:
  - 1) All backwaters and/or side channels below Fayetteville, Illinois.
  - 2) All waters between the Illinois Route 3 Bridge and the Northern boundary of the public boat ramp in Evansville, Illinois.
  - 3) All waters between the ICG Railroad Bridge and the entrance to the public boat launching ramp known as "Baldwin Ramp."
  - 4) River Mile 24 to 25.
  - 5) 100 yards upstream and 100 yards downstream from the Kaskaskia River Lock and Dam.
  - 6) 100 yards upstream and 100 yards downstream from the New Athens boat launching ramp.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 2030.60 Region V - Designated Restricted Boating Areas

That portion of Big Grand Pierre Creek in Pope County from its mouth at the Ohio River to a point one-half mile upstream is designated Slow, No Wake from January 1 through August 31.



## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED RULES

1) HEADING OF THE PART: North Point Marina Vendors

2) CODE CITATION: 17 Ill. Adm. Code 230

3) SECTION NUMBERS:

230.10  
230.20  
230.30  
230.40  
230.50

PROPOSED ACTION:

New Section  
New Section  
New Section  
New Section  
New Section

4) STATUTORY AUTHORITY: Implementing and authorized by Section 468 of An Act in relation to the acquisition, control, maintenance, improvement and protection of State Parks (Ill. Rev. Stat. 1987, ch. 105, par. 468) and by Sections 63a7, 63a11, 63a14, 63a15, 63a18, 63a21, 63a21.1 and 63a37 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, pars. 63a7, 63a11, 63a14, 63a15, 63a18, 63a21, 63a21.1 and 63a37).

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: This new administrative rule was promulgated to establish rules to regulate vendors at the North Point Marina.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE, AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price  
Lincoln Tower Plaza  
524 S. Second Street  
Springfield, Illinois 62701-1787

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.



THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF CONSERVATION  
SUBCHAPTER a: LANDS AND HISTORIC SITES

PART 230  
NORTH POINT MARINA VENDORS

Section	
230.10	Definitions
230.20	Vendor Authorization
230.30	Access and Work Requirements
230.40	Miscellaneous
230.50	Penalties

AUTHORITY: Implementing and authorized by Section 468 of An Act in relation to the acquisition, control, maintenance, improvement and protection of State Parks (Ill. Rev. Stat. 1987, ch. 105, par. 468) and by Sections 63a7, 63a11, 63a14, 63a15, 63a18, 63a21, 63a21.1 and 63a37 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, pars. 63a7, 63a11, 63a14, 63a15, 63a18, 63a21, 63a21.1 and 63a37).

SOURCE: Adopted at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 230.10 Definitions

- a) Department - Illinois Department of Conservation and its agents or employees.
- b) Employees - Persons working for a vendor, including the vendor himself.
- c) Marina - North Point Marina Complex, including its roads, buildings, grounds, docks and waters.
- d) Marina Service Center - That concessionaire who has leased and is operating the Marina service building and docks in the commercial harbor.
- e) Vendor - Any marine service business which has not leased grounds or buildings at the North Point Marina Complex for the purpose of establishing a permanent business.

Section 230.20 Vendor Authorization

Each Vendor:

- a) must be authorized by the Department prior to performing work or providing service within the Marina;
- b) will be required to pay an annual license fee of \$200 prior to authorization to perform work or provide service within the Marina and agree to pay



## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED RULES

a percentage of gross sales to the Department pursuant to a schedule which may be obtained from the Marina office;

- c) must provide a current list of employees who will be assigned to work at Marina property. The list shall include such items as name, age, immediate supervisor's name and company employed by. Keeping this list shall be a continuing duty of the vendor;
- d) possess all business licenses required by the State of Illinois, the County of Lake and the Village of Winthrop Harbor, comply with all applicable Federal, State and local laws and provide proof of insurance as may be required by the Department;
- e) has the responsibility to conduct a reasonable background check on his employees assigned to work at Marina property; and
- f) shall agree in writing to assume all liability for damage, injury or criminal act caused by its employees while conducting business at Marina property and to hold the Department harmless for said damages, injury or criminal acts.

## Section 230.30

## Access and Work Requirements

- a) Upon arrival at the Marina, all vendor employees must register at the Marina office, identify what boat(s) they will be working on and the nature of that work. Employees will then be issued a gate pass and identification card upon presenting their driver's license as a deposit and identification. All employees must log out at the Marina office and return the gate pass and identification card upon completion of the work or the end of the work day, whichever comes first. When employee has logged out and returned gate pass and identification card, the driver's license shall be returned.
- b) The Marina identification card must be carried at all times while working on Marina property.
- c) Employees shall present the Marina identification card upon request of Department personnel.
- d) Employees found working without proper identification will be escorted to a harbor supervisor for disposition. Any employee found to be working without his identification card more than once may be banned from working at Departmental property for up to five years.
- e) All employees working at Marina property shall present a clean and neat appearance, and shall conduct themselves in a professional manner.
- f) All employees may perform only such work as authorized by agreement between vendor and Department.

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED RULES

- g) Employees performing mechanical work must be certified by an appropriate certifying or training organization.
- h) Except in cases of emergency to keep a vessel afloat, no work shall be done between sunset and 8 a.m.
- i) No employee shall place any tools, equipment, parts or materials so as to obstruct docks, fingers or walkways.

## Section 230.40

## Miscellaneous

- a) Any commercial use of the public boat launching ramp will result in a fee charged by the Department. The Marina office must be notified in advance of any commercial use. Commercial use of the public boat ramps is prohibited on weekends, holidays or when so posted.
- b) Hull wash-downs may not be done on Marina property except at the Marine Service Center designated wash-down area.
- c) The Department will entertain requests for temporary vendor permits for special events.

## Section 230.50

## Penalties

In addition to any specific penalties prescribed in this Part, violators of any of the provisions of this Part are subject to loss of privilege to vend their goods and/or services at the Marina for up to 5 years as well as any and all penalties prescribed by law.



## ILLINOIS REGISTER

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) HEADING OF THE PART: The Taking of Wild Turkeys - Fall Archery Season  
2) CODE CITATION: 17 Ill. Adm. Code 720

3) SECTION NUMBERS: PROPOSED ACTION:

720.10 Amendments  
720.20 Amendments  
720.40 Amendments

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.3, 1.4, 2.9, 2.10 and 2.11).

- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: The amendments to this Part are based upon biological surveys and data analyses which resulted in the determination that modifications to fall archery turkey hunting regulations are necessary to maintain and manage healthy populations of turkeys.

The proposed changes include expanding/modifying/decreasing county-wide hunting programs of the permit process.

- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No

- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

- 11) TIME, PLACE, AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price  
Lincoln Tower Plaza  
524 S. Second Street  
Springfield, Illinois 62701-1787

- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

## ILLINOIS REGISTER

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER 1: DEPARTMENT OF CONSERVATION  
SUBCHAPTER b: FISH AND WILDLIFE

## PART 720

## THE TAKING OF WILD TURKEYS - FALL ARCHERY SEASON

Section  
720.10  
720.20  
720.30  
720.40

Hunting Seasons and Counties Open to Hunting  
Turkey Permit Requirements  
Turkey Hunting Regulations  
Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.3, 1.4, 2.9, 2.10 and 2.11).

SOURCE: Adopted and codified at 8 Ill. Reg. 7825, effective May 22, 1984; emergency amendments at 8 Ill. Reg. 20086, effective October 12, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 14311, effective September 5, 1985; amended at 11 Ill. Reg. 9556, effective May 5, 1987; amended at 12 Ill. Reg. 12254, effective July 15, 1988; amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 720.10

## Hunting Seasons and Counties Open to Hunting

- a) Season: October 1 through December 31, except closed during firearm deer season.

- b) Open Counties:

Adams  
Alexander  
Brown  
Calhoun  
Carroll  
Fayette  
Fulton  
Gallatin  
Greene  
Hancock  
Hardin  
Jackson  
Jersey  
Jo Daviess

Johnson  
Macoupin  
Marshall  
McDonough  
Monroe  
Pike  
Pope  
Putnam  
Randolph  
Saline  
Schuyler  
Union  
Washington  
Williamson

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF CONSERVATION

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

## Section 720.20 Turkey Permit Requirements

- a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Conservation for a fee of \$5.00. Non-resident turkey hunters shall be charged the same fee for wild turkey hunting permits as that charged residents of Illinois by the state in which the applicant resides, except that in no case shall the fee be less than \$30.00. If the state in which the applicant resides does not provide for turkey hunting by Illinois residents, then the fee shall be \$75.00. Non-residents are also required to obtain a Non-Resident Hunting License before hunting wild turkeys. Residents, except those exempted by Section 3.1 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par. 3.1) are also required to obtain a hunting license before hunting wild turkey. ~~Permits are issued for a specific county or area and are valid only in the county or area designated on the permit.~~ - Applications for wild turkey permits must be mailed to:

Department of Conservation - Fall Archery Wild Turkey Permit  
524 S. Second Street, Room 210  
P.O. Box 19446  
Springfield, Illinois 62794-9446

- b) Applicants must complete all portions of the permit application form. Incomplete applications will be rejected and fees returned. Each applicant must submit a personal check or money order for his/her individual application. Not more than 4 individuals may apply for a group hunt. Applicants submitting applications within three weeks of the season will not be guaranteed receipt of permit by start of season.

- c) Applications will be accepted beginning the first Monday in June. All requests must be on an official application form. Permits are not transferable and refunds will not be granted.

- d) Illinois resident landowners or tenants of 40 acres or more land and members of their immediate family may apply for a free turkey permit for their property only in counties open for turkey hunting. A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. All landowners or tenants that do not reside on the property must possess a valid hunting license. If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive permits.

- e) Landowners, or tenants are not required to participate in the public drawing for permits and are not counted toward the total number of permits issued for a particular county.

- 1) The immediate family is limited to the spouse, children, and parents permanently residing on the same property as the landowner or tenant.

- 2) Proof of ownership for all free landowner or tenant applications must be provided by one of the following methods:

- A) Submittal of a copy of property deed;  
B) Submittal of a copy of contract for deed;  
C) Submittal of a copy of most recent real estate tax statement. (If name on tax statement is different from name of landowner, proof of purchase agreement must be submitted).

- 3) If you are applying for a tenant permit, you are required to submit in addition to the landowner certification and proof of ownership, a copy of one of the following:

- A) A copy of Internal Revenue Service Schedule F 1987.

- B) Any document showing participation in Set Aside or Agricultural Conservation Programs (ACP) such as a form Agricultural Stabilization and Conservation Service 476, or Agricultural Conservation Programs 245.

- 4) A hunting rights lease, land trusts or other non-agricultural lease, is not valid for a landowner or tenant permit.

- 5) ~~If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land.~~

- 6) ~~For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive permits.~~

- 7) Ownership of shares in a corporation shall not be accepted as a basis for county-wide Wild Turkey Hunting paid permit based upon lands owned by the corporation.

- 8) Shareholders of corporations owning 40 or more acres of land in a county may apply for a free permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county shall be issued based on ownership of lands by



## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

corporations. Lands leased to corporations shall not be considered as a basis for a free permit for the shareholders of the trustee. If application is made for a free permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant as a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Office.

- f) A \$3.00 service fee will be charged for replacement permits issued by the Department, except when permits are lost in the mail then there will be no charge.

g) It shall be unlawful to:

- 1) Submit more than one application for the same person.
- 2) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this Section shall have their application rejected, permit revoked, and fees forfeited. The procedure by which an individual may appeal an application rejection, permit revocation, and the forfeiture of fees is set forth in 17 Ill. Adm. Code 2530 (Department Formal Hearings Conducted for Rulemaking and Contested Cases).

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 720.40 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

- b) Statewide regulations shall apply for the following sites:

LaRue Scatters

Oakwood Bottoms

Pike County Conservation Area (Oct. 1 - Oct. 31 only)

Saline County Conservation Area

Turkey Bluffs Fish and Wildlife Area

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

- e) Union County Conservation Area - Firing Line Management Unit only  
Statewide regulations shall apply except that all hunters must check-out and report turkeys harvested at the check station for the following sites:

Anderson Lake Conservation Area

Argyle Lake State Park (October 15 through December 31)

Carlyle Lake Wildlife Management Area and Corps of Engineers managed land (subimpoundment area closed 3 days prior to and during the duck season)

Ferne Clyffe State Park

Fort de Chartres Historic Site

Giant City State Park

LaRue Scatters

Mississippi Palisades State Park (season dates - November 1 - December 31)

Oakwood Bottoms

Pere Marquette State Park

Pike County Conservation Area (October 1 - October 31 only)

Ramsey Lake State Park

Saline County Conservation Area

Siloam Springs State Park

Tapley Woods

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Union County Conservation Area - Firing Line Management Unit only

Weinburg-King State Park

- d)c) Additional regulations may be posted at the sites when more restriction is required. These additional regulations shall include, but not limited to,



## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

selected check stations, limited hunting hours, and designated first-come, first-served sites.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

650.20  
650.21  
650.22  
650.40  
650.50  
650.60

## PROPOSED ACTION:

Amendments  
Amendments  
Amendments  
Amendments  
Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1987, ch 61, pars. 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36).

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: The amendments to this Part are based upon biological surveys and data analyses which have resulted in the determination that modifications to the firearm white-tailed deer hunting regulations are necessary to maintain and manage healthy populations of deer.

The proposed changes include expanding/modifying/decreasing deer hunting programs on State-owned or -managed sites. Clarification of the permit process, and deletion of requirements covered under 17 Ill. Adm. Code 510 - General Hunting and Trapping on Department-Owned or -Managed Sites.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE, AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:



ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION  
NOTICE OF PROPOSED AMENDMENTS

Jack Price  
Lincoln Tower Plaza  
524 S. Second Street  
Springfield, Illinois 62701-1787

- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION  
NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF CONSERVATION  
SUBCHAPTER b: FISH AND WILDLIFE

PART 650  
WHITE-TAILED DEER HUNTING BY USE OF FIREARMS

Section	
650.10	Statewide Season
650.20	Statewide Deer Permit Requirements
650.21	Deer Permit Requirements - Landowner/Tenant Permits - Paid and Free
650.22	Deer Permit Requirements - Special Hunts
650.23	Deer Permit Requirements - Group Hunt
650.30	Statewide Firearms Requirements
650.40	Statewide Deer Hunting Rules
650.50	Rejection of Application/Revocation of Permits
650.60	Regulations at Various Department-Owned or -Managed Sites

**AUTHORITY:** Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1987, ch 61, pars. 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36).

**SOURCE:** Adopted at 5 Ill. Reg. 9771, effective September 17, 1981; codified 5 Ill. Reg. 10640; amended at 6 Ill. Reg. 10730, effective August 20, 1982; amended at 7 Ill. Reg. 10798, effective August 24, 1983; amended at 8 Ill. Reg. 21602, effective October 23, 1984; amended at 9 Ill. Reg. 16213, effective October 10, 1985; emergency amendments at 9 Ill. Reg. 20922, effective December 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4223, effective February 25, 1986; amended at 10 Ill. Reg. 16665, effective September 22, 1986; amended at 11 Ill. Reg. 3044, effective February 3, 1987; amended at 11 Ill. Reg. 9564, effective May 5, 1987; amended at 12 Ill. Reg. 8003, effective April 25, 1988; amended at 12 Ill. Reg. 12055, effective July 11, 1988; amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 650.20 Statewide Deer Permit Requirements**

- a) Illinois resident hunters must have a current, valid "Firearm Deer Permit" (\$15.00). "Non-Resident Firearm Deer Permit" may be obtained by non-residents of Illinois provided that they shall be charged the same fee as an Illinois resident would be charged for a deer hunting permit by the State in which the applicant resides, except in no case shall the fee be less than \$50.00, and if the State in which the applicant resides does not provide for deer hunting by Illinois residents, then the fee shall be \$100.00. A permit is issued for one county and is valid only in the county stated on the permit. For permit applications and other information write to:

Department of Conservation  
(Firearm or Landowner/Tenant or Non-Resident)  
Deer Permit Office  
524 South Second Street, Room 210



## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

P.O. Box 19227  
Lincoln Tower Plaza  
Springfield, Illinois 62794-9227

- b) Applications will be accepted beginning April 1 through April 30, 1988 of the current year. Applications received after April 30 will not be included in the lottery. Permits will be allocated in a computerized drawing in which the first choice of hunt areas or counties will be allocated before the second choice areas are considered.
- c) Counties with unfilled quotas after the drawing will be allocated in a Random Daily Drawing procedure. Applications for Random Daily Drawing will be accepted beginning August 1, 1988 of the current year. Applications received after October 31 will not be guaranteed a permit for the first second hunting season. A list of unfilled counties will be announced prior to the August application dates. Applicants must apply on a 1988 current year Firearm Deer Permit application form. All applications for the Random Daily Drawing will be processed individually.
- d) In-person and mail-in applications will receive equal treatment in the drawings. For the Random Daily Drawing, applications received one day will not be processed until all applications received for that day are mixed proportionately (mail and over the counter receipt). All applications received on a specific day will be processed before processing applications received for a subsequent day.
- e) Applicants must complete all portions of the 1988 current year permit application form. Incomplete or incorrect applications will be returned along with the applicant's permit fee for correction or completion if received in this office prior to April 30, 1988 of the current year. No more than 6 single applications per envelope will be accepted. Each applicant must submit a separate personal check or money order. Pope County shall be divided into Northern Pope and Southern Pope by Route 146, beginning at Golconda and extending westward to the Johnson-Pope county lines. Separate permits will be issued for each of these areas. Separate envelopes must be used to send permit applications to the Deer Permit Office for firearm, archery, and free or paid landowner/tenant permits.
- f) Applications for non-resident firearm permits will be accepted beginning October 15. These applications will not be processed until November 1 October 31.
- g) Applicants may apply as of November 1 for a firearm permit (\$15 fee), issued in a random daily drawing, from any permits left over from the county quotas to hunt the second 3-day firearm season. Applicants may be anyone that:

## ILLINOIS REGISTER

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) is applying for their first permit;
- 2) was previously issued one firearm or one archery permit;
- 3) was previously issued one firearm and one archery permit; or
- 4) was previously issued two archery permits.
- h) Hunter preference in obtaining a permit will be given to unsuccessful lottery applicants from the previous year who were unsuccessful due to the county of their choice being full. The following criteria must be met to obtain a preference in the permit lottery:
- 1) The applicant must apply using the official agency preprinted Data-Mailer application.
  - 2) The applicant must be a resident of the state, be eligible to receive a Firearm Deer Permit, and not had deer hunting privileges revoked pursuant to Section 650.50.
  - 3) The applicant must apply for the same first county choice which he/she listed on the previous year's application. Preference for a permit is valid only for the first county choice.
  - 4) Where applicants apply as a group, preference for the entire group will apply as it does above for the individual. All first county choices for the group must be identical.
- i) Applications may be accepted at the counter window of the permit office; however, permits will be mailed.
- j) Permits are not transferrable. Refunds will not be granted, unless the Department of Conservation (Department) has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
- k) A three dollar (\$3.00) service fee will be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there will be no charge. Monies derived from this source will be deposited in the Wildlife and Fish Fund.
- l) Applications must have the Antlered-Only (a deer with at least one antler of a length of 3 inches or more) box checked if the application is to be considered for an Antlered-Only permit and the application is unsuccessful in the lottery for an Either Sex permit.
- m) Persons with lottery preference (i.e., who did not receive a Firearm Deer Permit during the previous year) will have first chance at receiving available Either Sex permits. Where the number of applications receiving



## ILLINOIS REGISTER

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

preference over-subscribes a county for Either Sex permits, the over-subscribed preference applications will be allocated Antlered-Only permits if the Antlered-Only box is marked.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 650.21 Deer Permit Requirements - Landowner/Tenant Permits - Paid and Free

a) Landowners, including out-of-state Illinois landowners, and tenants, but not out-of-state tenants, owning or renting 40 acres or more of commercial agricultural lands may apply for a county-wide paid permit to hunt in the county where the land is located. Members of the immediate family of the landowner or tenant are also eligible to apply for a county-wide paid Firearm Deer permit providing they reside on the same property as the landowner or tenant. Incomplete applications will be returned. Out-of-state landowners must obtain a non-resident hunting license, in addition to the deer permit. The fee for an out-of-state landowner deer permit is the same as an Illinois resident would be charged for an out-of-state landowner deer permit by the State in which the applicant resides, and if the State in which the applicant resides does not provide for deer hunting by Illinois out-of-state landowners, then the fee shall be \$100.00. These applications will not be subject to the public drawing or the Random Daily Drawing.

b) Landowners, including out-of-state Illinois landowners, who own 40 acres or more of land or tenants residing on 40 acres or more of farm land, and members of their immediate family whose domicile is on the same land as the landowner or tenant, may apply for a free permit for their property only. These applications will not be subject to the permit lottery described above or the Random Daily Drawing. *The deer hunting permit issued without fee shall be valid on all farmlands which the person to whom it is issued owns, leases or rents.* (Ill. Rev. Stat. 1987, ch. 61, par. 2.26)

c) The immediate family of a landowner or tenant is limited to the spouse, children or parents permanently residing on the same property as the landowner or tenant.

d) A tenant for the purpose of Part 650 is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit.

e) Date of acceptance of landowner/tenant free permit applications will be publicly announced. Applications for county-wide paid permits must be submitted by March 1-February 28.

## ILLINOIS REGISTER

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

f) Landowners, or tenants are not required to participate in the public drawing for permits and are not counted toward the total number of permits issued for a particular county.

g) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:

- 1) Submittal of a copy of property deed;
- 2) Submittal of a copy of contract for deed;
- 3) Submittal of a copy of a tax statement for the property (If name on tax statement is different from name of landowner, proof of purchase agreement must be submitted).

h) Tenant permit applicants are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:

- 1) A copy of Internal Revenue Service Schedule F 1986 or 1987 from either of the previous two years.
- 2) Any document showing participation in Set Aside or Agricultural Conservation Programs (ACP) such as a form Agricultural Stabilization and Conservation Service 476, Commodity Credit Corporation 477 or Agricultural Conservation Programs 245.

i) ALand Trusts, a hunting rights lease, or other non-agricultural lease, is not valid for a landowner or tenant permit.

j) County-wide permit holders are authorized to firearm deer hunt only in the county identified on the deer permit and only on property where permission to hunt has been obtained from the property owner.

k) If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) shall be issued a permit on a first-come, first-serve basis for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive deer permits.

l) Shareholders of corporations owning 40 or more acres of land in a county may apply for a free permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a free permit for the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a free permit by the shareholders of the trustee. If application is made for a free permit based upon lands owned



## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant as a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Office.

- m) Landowners or tenants may apply for a second permit (\$15.00 fee) from any permits not issued as of November 1 in the random daily drawing.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 650.22 Deer Permit Requirements - Special Hunts

- a) Special hunts held on federal or state lands are regulated by the agency which manages the property. The Permit Office only issues deer hunting permits for Crab Orchard, Shelbyville Wildlife Management Area - (Moultrie County), Fox Ridge State Park - (Coles County), Hidden Springs State Forest - (Shelby County), Eagle Creek Wildlife Management Area - (Shelby County), Sand Ridge State Forest - (Mason County), Randolph County Conservation Area - (Randolph County), the first season only, and Mark Twain Refuge/Kankakee River State Park - (Kankakee and Will Counties first season only), Des Plaines Conservation Area - (Will County January 6, 7, and 8, 1990 only), Cilco Duck Creek - (Fulton County first and second season). The Department of Conservation allocates Firearm permits for the areas listed below through a computerized drawing. Hunters wishing to hunt special conservation areas other than those listed in this subsection must first acquire a deer permit for the county in which the conservation area is located and then apply for the specific site drawing. (See Section 650.60 for a list of Conservation areas and permit and specific site application procedures).

- 1) Mark Twain - Permits for the Gardner Division of Mark Twain Wildlife Refuge are allocated for the first three-day season only. "Mark Twain" must be listed as one of your choices of county of hunt areas.

- 2) Crab Orchard - Permits for Crab Orchard are allocated separately for each of the first and second three-day seasons. Each three-day season will be considered as a choice. Applicant must indicate in the First Choice County or Hunt Area field if they are applying for the first or second season on Crab Orchard (for example: Applicants should show "Crab Orchard 1st Season" or "Crab Orchard 2nd Season") or if the application will be returned.

- 3) The preference system does not include Mark Twain, Shelbyville Wildlife Management Area - (Moultrie County), Fox Ridge State Park - (Coles County), Hidden Springs State Forest - (Shelby County),

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

Eagle Creek Wildlife Management Area - (Shelby County), Sand Ridge State Forest - (Mason County), Randolph County Conservation Area - (Randolph County) the first season only, Kankakee River State Park - (Kankakee and Will Counties first season only), Des Plaines Conservation Area - (Will County January 6, 7, and 8, 1990 only), Cilco Duck Creek - (Fulton County first and second season) and Crab Orchard.

- b) Each applicant must enclose a separate \$15.00 fee (check or money order) payable to the Department of Conservation, or the application will be RETURNED. Applicants should not send cash with their applications. The Department will not be responsible for cash sent through the mail.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 650.40 Statewide Deer Hunting Rules

- a) Bag limits (per legally authorized permit): an either sex firearm permit holder, including a Landowner/Tenant Firearm permit holder, is allowed one deer of either sex during the legal firearm season. An Antlered-Only firearm permit holder is allowed to take a deer having antlers at least one antler of a length of 3 inches or more on at least one side during the legal firearm season.

- b) Totally white white-tailed deer are protected by Illinois Law and are illegal to kill. (Ill. Rev. Stat. 1987, ch. 61, par. 2.24)

- c) The Firearm Deer Hunting Permit shall be signed, date of birth, Firearm Owners Identification number, hunting license number and physical description recorded on the permit and worn on the back while hunting with hunter's name and address plainly visible.

- d) The leg tag shall be attached and sealed to the leg of the deer at the kill site before the deer is moved or transported. Such leg tag shall remain with the deer carcass while being processed for consumption or other purposes. The leg tag can be discarded only after the deer has been processed, prepared for consumption, and is at the legal residence of the person who legally took or possessed the deer. The head/antler or hide tag shall be attached to the head/antler and hide when detached from the carcass. The head/antler and hide tags shall remain attached to the head/antler or hide as long as the head/antler or hide remains in green state, or when in a commercial business for the purpose of taxidermy, tanning, or other manufacturing processing. Deer shall be checked in by the hunter in person by 7:00 p.m., the same day it is killed; either at the county check station or the nearest check station to the kill site.

- e) Hunters shall not have in their possession, any deer permit issued to another person, during deer hunting hours (permits are non-transferrable).



## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

- f) An Antlered-Only Deer permit authorizes the holder to take only a deer with at least one antler of a length of 3 inches or more. These permits will be issued only in selected counties having large deer herds and related crop damage and will provide additional hunters the opportunity to hunt in these counties.

- g) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 650.50 Rejection of Application/Revocation of Permits

- a) Any of the following shall result in rejection of an application:
- 1) Using land trusts, hunting rights lease, or mineral rights lease or other lease for land which does not evidence a genuine farm tenancy to obtain a firearm deer permit;
  - 2) Submitting more than one application in the same name or by the same person for a Firearm Deer Permit. This will also result in the forfeiture of application fees submitted.
  - 3) Providing false and/or deceptive information on the deer permit application form.
  - 4) Submitting an application when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par. 3.36).
  - b) Any violation of Ill. Rev. Stat. 1987, ch. 61 or administrative rules of the Department, in addition to other penalties, may result in revocation of deer hunting permits as per 17 Ill. Adm. Code 2530.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 650.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) Statewide regulations shall apply at the following sites:

Carlyle Lake Wildlife Management Area except Subimpoundment Area

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

Crawford County Conservation Area

Hamilton County Conservation Area

Horseshoe Lake Conservation Area - Alexander County - north of Route 3 only

Kaskaskia River Fish and Wildlife Area, except Doza Creek Waterfowl Management Area where firearm deer hunting is prohibited during duck season

Lake Kinkaid Fish and Wildlife Area

Little Black Slough State Natural Area

Lower Cache River State Natural Area

Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26

Panther Creek Conservation Area

Rend Lake Wildlife Management Area

Saline County Conservation Area

Sangamon County Conservation Area

Sangamon County Conservation Area

Shawnee National Forest, LaRue Scatters (closed at noon)

Shawnee National Forest, Oakwood Bottoms (Greentree Reservoir, West of the Big Muddy Levee, closed at noon)

Union County Conservation Area - firing line management unit

Wildcat Hollow State Park

- c) Statewide regulation shall apply at the following sites (all hunters must check out and report harvest):

Fort de Chartres State Park (hunting in designated areas only; muzzle-loading firearms only 4:00 p.m. - closing)

Giant City State Park

I-24 Wildlife Management Area



## DEPARTMENT OF CONSERVATION

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

Mermet Conservation Area (no hunting in the waterfowl area)

Iroquois County Conservation Area

Pere Marquette State Park

Mississippi Palisades State Park

Pyramid State Park

i) Statewide regulations shall apply except hunting allowed by permit only. Each permit will be valid for both of the 3-day portions of the firearm deer season and permits will be allocated by a mail-in drawing to be held at the Regional office on October 19. Only one permit per person will be issued. Any duplicate applications will be denied and the hunter will forfeit his rights to a permit. Permit holders must check in at the site by 5:30 a.m. Permits are void after 5:30 a.m. Vacancies each day will be filled by a drawing until 1:00 p.m., except at Morrison Rockwood State Park where a drawing will be held at 5:30 a.m. to fill vacancies for that day. Further check-in and check-out and reporting of deer harvested is required of all hunters.

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Weinberg-King State Park

d) Statewide regulations shall apply and in addition all hunters must have a free permit allocated by mail-in drawing held at Regional Office on October 19. Only one permit per person will be issued. Applications will be accepted only from persons who already have a firearm deer permit for the county in which the site is located. Any duplicate applications will be denied and the hunter will forfeit his rights to a site permit. Permit holders must check in at the site check station by 5:30 a.m. Permits are void for that day after 5:30 a.m. Vacancies each day will be filled by a drawing held at 5:30 a.m. Each permit will be valid for the first 3-day portion of the firearm deer season or the second 3-day portion of the season. At Heidecke Lake State Fish and Wildlife Area, no vacancies will be filled after the daily drawing to fill vacancies and no more than two (2) applications may be submitted as a group for the October 19 drawing, and hunters under 16 years of age must hunt with an adult who is eligible to hunt at Heidecke State Fish and Wildlife Area.

Big River State Forest

Mackinaw River State Fish and Wildlife Area

Marseilles Conservation Area

Marshall State Fish and Wildlife Area

Morrison Rockwood State Park

Parkland-Recreational Area

Woodford County Conservation Area

Tapley Woods

g) Statewide regulations shall apply except hunting allowed by permit only. One-day hunter permits are allocated by public drawing every night for the next day's hunt. Drawings for Kickapoo State Park and Middle Fork State Fish and Wildlife Area will be held at the Kickapoo State Recreation Area Office. Further check-in and check-out and reporting deer harvested required of all hunters.

Kickapoo State Park

Middle Fork Fish and Wildlife Area

h) Statewide regulations will apply, except hunting is allowed by permit only. Permits will be allocated by a mail-in drawing at the District office. The registration procedure, hunter quota, and date for the drawing will be announced by public news release. Holders of current Cass County Firearm Deer Permits will be eligible for the drawing. Permits available after the drawing will be allocated on a first-come basis from the District office. All permit holders must sign in at the site check station between 4:30 a.m. and 6:00 a.m. and exchange their hunting license for

Castle Rock State Park

Green River (Lee County Conservation Area)



## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

a back patch which must be worn at all times. Daily vacancies will be filled on a first-come basis at the site office beginning at 6:00 a.m. Hunters will be assigned an area from which to begin their hunt. After one hour has elapsed, hunters may move to any portion of the area open to hunting. It is unlawful to park anywhere on the site except at designated parking areas. Hunters must check out and report their harvest immediately after hunting.

Site "M"- Land leased from Commonwealth Edison, Cass County

- i) Statewide regulations shall apply. Hunters must check in at the site check station at 4:30 a.m. and obtain a back patch before hunting. All hunters must check out immediately after hunting:

Ferne Clyffe State Park

Sand Ridge State Forest (All hunters must have a current Sand Ridge State Forest Firearm Deer Permit, obtainable via the lottery process through the Deer Permit Office)

- j) Statewide regulations shall apply. A maximum of 20 hunters will be allowed on the site each day. Hunter registration begins at the check station at 4:00 a.m. each day of the season. If more than 20 hunters register by 4:30 a.m. a public drawing will be conducted. Hunters must check out and report their harvest immediately after the day's hunt.

Ferne Clyffe State Park

Statewide regulations will apply, except as noted. Hunting is allowed by permit only. First and second season permits will be allocated by mail-in drawings at the site office. The registration procedures, hunter quota and dates for these drawings will be announced by public news release. To be eligible for the drawing, an individual under the age of 16 must register with and hunt with an adult at least 18 years of age. All individuals must possess a current Christian County or Sangamon County Firearm Deer Permit. Permits available after the drawings will be allocated on a first-come basis from the site office. All permit holders must sign in by 8:00 a.m. at the site office. Daily vacancies will be filled on a first-come basis at the site office beginning at 8:00 a.m. Check-in and check-out and reporting of deer harvested is required of all hunters. To minimize safety concerns regarding the simultaneous hunting of deer and waterfowl on November-19 and -20 the Saturday and Sunday of the November deer season, the western shoreline of the west arm of the lake and the western half of the DOC-owned middle peninsula will be closed to deer hunting until 1:00 p.m. on November-19 and -20 the Saturday and Sunday of the November deer season.

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

Sangchris Lake Fish and Wildlife Area

- k) Statewide regulations shall apply and in addition all hunters must have a permit allocated by a mail-in drawing held at the Regional Office. Permits will be for Area A or Area B. Permits for Area A will be valid for the first 3-day deer season only; Area B permits will be valid for both 3-day seasons. Only one permit per person will be issued. Any duplicate applications will be denied and the hunter will forfeit his rights to a permit.

Pike County Conservation Area

- l) Statewide regulations shall apply, hunting dates are the last Saturday and Sunday of January-28 and -29, 1988. In addition, all hunters must have a special permit allocated by a mail-in drawing to be held at the Union County Refuge Office. Only Alexander County permit holders who were unsuccessful during the 1988 previous year's shotgun deer season are eligible. Permits will be valid for one day only of this special hunt. Any duplicate applications will be denied and that person shall forfeit his or her rights to a permit. Specific information regarding application requirements and drawing dates will be included with the 1988-Alexander County Shotgun Deer Permits.

Horseshoe Lake Refuge (Alexander County)

- m) Statewide regulations shall apply except hunting is allowed by permit only during the second-3 day portion of the firearm deer season. Daily hunter permits are allocated by a mail-in drawing held at the Regional Office on December-17. Only one permit per person will be issued. Only Franklin County permit holders who were unsuccessful during the first three-day portion of the 1988-Deer Firearm season are eligible. Any duplicate applications will be denied and the hunter will forfeit his rights to a permit. Permit holders must check in at the site check station by 5:30 a.m. each day. Permits are void after 5:30 a.m. Further check-in and reporting of deer harvested is required of all hunters.

Wayne Fitzgerald State Recreation Area (Franklin County Portion only)

- n) Statewide regulations shall apply except hunting is by special permit obtained through statewide lottery for Kankakee River State Park only; hunting permitted the first deer season; hunters are required to hunt within 50 feet of assigned, numbered stand only; no standby hunters allowed; hunters are required to obtain a vehicle permit from site office and display the permit in the windshield of their vehicle while hunting.

Kankakee River State Park

- o) Statewide regulations shall apply except hunting is by special permit only obtained through statewide lottery for the Des Plaines Conservation Area;



## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

hunting dates are January 5, 6 and 7, 1990 only; the area is closed to firearm deer hunting during the regular statewide seasons; hunters are required to hunt in assigned, designated areas only; areas will be assigned by drawing at mandatory pre-hunt meeting each morning from 4:30 a.m. to 5:00 a.m.; no standby hunters permitted; hunters must obtain vehicle permit from site office before hunting and display the permit in the windshield of their vehicle while hunting; the site office is the only check station for this hunt; all deer taken must be taken to the check station as per regular firearm deer hunting regulations.

Des Plaines Conservation Area

(Source: Amended at 12 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

1) HEADING OF THE PART: Woodcock, Snipe, Rail and Teal Hunting

2) CODE CITATION: 17 Ill. Adm. Code 740

3) SECTION NUMBERS: PROPOSED ACTION:

740.10 Amendments  
740.20 Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code of Illinois (Ill. Rev. Stat. 1987, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5) and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: The amendments to this Part are based upon biological surveys and data analyses which have resulted in the determination that modification to woodcock, snipe, rail and teal hunting regulations are necessary to maintain and manage healthy populations of such species.

The proposed changes include updating non-toxic shot zones, as required by the U.S. Fish and Wildlife Service and expanding/modifying/decreasing waterfowl hunting programs at State-owned or -managed sites as recommended following evaluation of site specific resources.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

8) DOES THIS PROPOSED RULE CONTAIN INCORPORATIONS BY REFERENCE? No

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE, AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Jack Price  
Lincoln Tower Plaza  
524 S. Second Street  
Springfield, Illinois 62701-1787



## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: This rule has no impact on small businesses or municipalities.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER 1: DEPARTMENT OF CONSERVATION  
SUBCHAPTER b: FISH AND WILDLIFE

## PART 740

WOODCOCK, SNIPE, RAIL, AND TEAL HUNTING

Section  
740.10  
740.20

Statewide Regulations  
Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code of Illinois (Ill. Rev. Stat. 1987, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5) and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

SOURCE: Adopted at 5 Ill. Reg. 8896, effective August 25, 1981; codified at 5 Ill. Reg. 10645; amended 6 Ill. Reg. 357, effective December 23, 1981; amended at 6 Ill. Reg. 9648, effective July 21, 1982, amended at 7 Ill. Reg. 8815, effective July 15, 1983; amended at 8 Ill. Reg. 16796, effective August 30, 1984, amended at 9 Ill. Reg. 11620, effective July 16, 1985; peremptory amendments at 9 Ill. Reg. 14383, effective September 5, 1985; amended at 10 Ill. Reg. 15607, effective September 16, 1986; amended at 11 Ill. Reg. 9575, effective May 5, 1987; emergency amendments at 11 Ill. Reg. 15253, effective August 28, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 12261, effective July 15, 1988; amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 740.10 Statewide Regulations**

- a) Woodcock, snipe and rail regulations are in accordance with Federal Regulations (50 CFR 20, effective August 25, 1987) (no incorporation in this Part includes later amendments or editions) unless the regulations in this Part are more restrictive.
- b) All persons in the field during the firearm deer season, hunting common snipe, rail and woodcock, in those counties for which an open season is established for the taking of deer by firearm, shall wear the same blaze orange clothing required for deer hunting pursuant to Section 2.26 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par. 2.26).
- c) The regulations in Section 2.33 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par. 2.33) on illegal devices shall apply to this Part, unless federal regulations are more restrictive.

d) Woodcock

- 1) Hunting dates: October 1 - December 4



DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- 4) Shooting hours are 7:00 a.m. - 4:00 p.m.
- 5) Baiting with corn, grain or other feed is prohibited.
- h) Steel Shot Regulations  
Only steel shot may be used for hunting teal, snipe and rail in the following non-toxic shot zones:
  - 1) Mississippi River and adjacent areas in the following counties bordered by the roads and/or lines indicated below:
    - A) All of Alexander, Calhoun, Carroll, Henderson, Jackson, Jersey, Pike, Rock Island and Union Counties.
    - B) Adams County: IL-96 (Lima), County Highway (Hwy) 41, County Hwy-7, County Hwy-8, and Lock and Dam 20. The Mark Twain National Wildlife Refuge, Bear Creek Unit is also a nontoxic shot zone.
    - C) Hancock County: (Dallas City), IL-9/96, IL-96/US 136, and IL-96.
    - D) Henry County: I-80 and I-74/280.
    - E) Jo Daviess County: IL-35 (East Dubuque), US-20, IL-84/US-20, and IL-84.
    - F) Mercer County: Railroad Bridge (Keithsburg), County Hwy-16, and County Hwy-25.
    - G) Pike County: US-36 (Shepherd), IL-96/US-36, and IL-96. (Also see Illinois River Section-7404.10(h)(2)-below)
    - H) Rock Island County: IL-5, IL-5/92, and I-80; I-74/280, I-280, and IL-92-to Iowa state-Hwy.
    - I) Whiteside County: IL-84 (north), IL-136/Fulton Road, County Hwy-21/Frog Pond Road, Garden Plain Road; County Hwy-21/Sand Road, and IL-5.
  - 2) Illinois River and adjacent areas in the following counties bordered by the roads and/or lines indicated below:
    - A) All of Calhoun, Cass, Fulton, Jersey, Marshall, Mason, Peoria, Pike, Putnam, and Woodford Counties.
    - B) Brown County: County Hwy-3/Federal Aid Secondary Route (FAS) 382, FAS-582, County Hwy-12, and IL-99.

NOTICE OF PROPOSED AMENDMENTS

- 2) Hunting hours: Sunrise to Sunset
- 3) Daily limit: 5
- 4) Possession limit: 10 after the 1st hunting day
- e) Snipe (Common)
  - 1) Hunting dates: September 32 - December 1817
  - 2) Hunting hours: Sunrise to Sunset
  - 3) Daily limit: 8
  - 4) Possession limit: 16 after the 1st hunting day
- f) Rail (Sora and Virginia)
  - 1) Hunting dates: September 32 - November 1110
  - 2) Hunting hours: Sunrise to Sunset
  - 3) Daily limit: 25
  - 4) Possession limit: 25
- g) Teal
  - 1) Teal regulations are in accordance with Federal Regulations, (50 CFR 20.103, effective August 25, 1987; 50 CFR 20.104, effective August 25, 1987; 50 CFR 20.105, effective August 25, 1987; 50 CFR 20.106, effective August 25, 1987; and 50 CFR 20.109, effective August 25, 1987), unless the regulations in this Part are more restrictive.

It shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act" (16 U.S.C. 703-711), the "Migratory Bird Hunting Stamp Act" (16 U.S.C. 718 et seq.), and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20, effective August 25, 1987) (collectively referred to in this Part as federal regulations), or contrary to any state regulations made in the Wildlife Code.
  - 2) It shall be unlawful while attempting to take migratory waterfowl to have in possession any shotgun shells prohibited by federal regulations. Sites covered by these regulations are as stated in the federal regulations or they are listed under Section 740.20 of this Part.
  - 3)



## ILLINOIS REGISTER

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

- C) Bureau County: IL-89 (Spring Valley), IL-6/89, IL-29, and IL-26/29, and IL-29.
- D) Greene County: Kampsville Ferry Route, IL-108, and Federal Aid Primary Route (FAP) 155 (south).
- E) Morgan County: IL-104 (Meredosia) and IL-100/US-67.
- F) Peoria County: IL-29, IL-29/US-24, and IL-9/US-24.
- G) Pike County: IL-104 (Meredosia) and IL-99. - (Also see Mississippi River Section 740.10(h)(1) above).
- H) Schuyler County: IL-100 (Bluff City) IL-103, and County Hwy-9.
- I) Tazewell County: IL-26, IL-116, IL-116/US-150, IL-8/116, IL-29, IL-9/29, IL-29, FAS-461, and County Hwy-16.
- J) Southern Goose Quota Zone
- K) All of Alexander, Jackson, Union and Williamson Counties.
- L) Rend Lake Goose Quota Zone
- M) All of Jefferson County and all of Rend Lake plus all adjacent areas managed by U.S. Army Corps of Engineers or Illinois Department of Conservation (Department of DOC and Franklin Counties.
- N) Other Areas

All of Bond, Clinton, Fayette, Kane, Lake and McHenry Counties.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 740.20 Regulations at Various Department-Owned or -Managed Sites

- a) All the rules in 17 Ill. Adm. Code 510 apply in this Section, unless this Section is more restrictive.
- b) Woodcock, snipe and rail hunting; statewide regulations as provided for in this Part shall apply at the following areas (exceptions are in parentheses):
- Anderson Lake Conservation Area (closed 7 days before waterfowl season)

## ILLINOIS REGISTER

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

- Big Bend Conservation Area
- Big River State Forest
- Carlyle Lake Lands and Waters - Corps of Engineers managed lands
- Carlyle Lake Wildlife Management Area (closes 3 days before waterfowl season in subimpoundment area)
- Clinton Lake State Recreation Area
- Crawford County Conservation Area
- Eldon Hazlet State Park (North of Allen Branch and west of Peppenhurst Branch only)
- Ferne Clyffe State Park
- Ft. de Chartres Historic Site (hunting with muzzle loading shotgun only)
- Ft. Massac State Park
- Giant City State Park
- Hamilton County Conservation Area (statewide hours until upland game season, then 8:00 a.m. to 4:00 p.m.)
- Horseshoe Lake Public Hunting Area (Alexander County) - north of Route 3
- I-24 Wildlife Management Area
- Iroquois County Conservation Area (closes the day before permit pheasant season; 8:00 a.m. to 4:00 p.m.; hunters must check out and report harvest)
- Jubilee College State Park (closed 1st weekend -- Saturday and Sunday of October; legal opening to 4:00 p.m.)
- Kankakee River State Park (October 1 - opening day of day before pheasant season; 9:00 a.m. - 3:00 p.m.; hunters must check in; check out required within 15 minutes of completing hunt; DOC issued back patch must be worn while hunting; during pheasant season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110, Upland Hunting, which pertain to Kankakee River State Park; no snipe or rail hunting)



## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

Kaskaskia River Fish and Wildlife Area (closes 3 days before waterfowl season in Doza Creek Waterfowl Management Area)

Kickapoo State Park (8:00 a.m. to 4:00 p.m.; hunters must check in and check out and report harvest; DOC issued back patch must be worn while hunting; closed during firearm deer season; no snipe or rail hunting)

Kidd Lake State Natural Area (no permanent blinds allowed)

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville-Kaskaskia and West Okaw Wildlife Management Area

Little Black Slough State Natural Area

Lower Cache River State Natural Area

Marseilles (closed Fridays, Saturdays and Sundays through October 30; no rail or snipe hunting)

Middle Fork Fish and Wildlife Area (8:00 a.m. to 4:00 p.m.; hunters must check in and check out and report harvest; DOC issued back patch must be worn while hunting; closed during firearm deer season; no snipe or rail hunting)

Mississippi River Pools 21, 22, 24, 25 and 26

Mississippi River Pools 16, 17, and 18

Moraine View State Park (closes on day before permit pheasant season; 8:00 a.m. to 4:00 p.m.)

Panther Creek Conservation Area

Pike County Conservation Area (all hunting closes November 30 in Area A)

Pyramid State Park

Randolph County Conservation Area (no rail hunting)

Ramsey Lake State Park

Red Hills (8:00 a.m. - 4:00 p.m.)

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

Rend Lake Wildlife Management Area

Rice Lake (steel shot only; during teal season only, hours are sunrise until noon; no woodcock hunting)

Saline County Conservation Area (statewide hours until upland game season, then 8:00 a.m. to 4:00 p.m.)

Sam Dale Lake Conservation Area (statewide hours until upland game season, then 8:00 a.m. to 4:00 p.m.)

Sam Parr State Park (statewide hours until upland game season, then 8:00 a.m. to 4:00 p.m.)

Sand Ridge State Forest (During the controlled quail and pheasant hunting season, woodcock and snipe hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 - Upland Hunting - which pertain to Sand Ridge State Forest; no rail or teal hunting)

Sangamon County Conservation Area

Sanganois Conservation Area

Shawnee National Forest, LaRue Scatters (closes at noon)

Shawnee National Forest, Oakwood Bottoms (Greentree Reservoir west of Big Muddy Levee, closes at noon)

Site M (open weekends only as publicly announced by the Department in the news media; no rail hunting)

Stephen Forbes State Park

Tapley Woods State Natural Area (closed during firearm deer season)

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Washington County Conservation Area (no rail hunting)

Weinberg-King State Park

Wildcat Hollow State Forest

c) Woodcock, snipe and rail hunting permitted, exceptions as noted in parentheses. Hunters must obtain a permit from site office and permit must be in possession while hunting. ~~Hunters must place DOC issued windshield card in windshield of vehicle while hunting with permit number~~



## ILLINOIS REGISTER

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

visible. - Failure to report harvest by February 15 will result in loss of hunting privileges at that site for the following year.

Eagle Creek State Park (snipe and rail hunting after September 15 only)

Fox Ridge State Park

Hidden Springs State Forest (no hunting during firearm deer season)

Lake Shelbyville Eagle Creek Wildlife Management Area

d) Teal hunting; statewide regulations as provided for in this Part shall apply on the following sites (exceptions are in parentheses):

Anderson Lake Conservation Area

Chain O'Lakes State Park (Hunting is allowed only from numbered blind sites. The blinds need not be completed and blind claiming privileges do not apply as specified in 17 Ill. Adm. Code 590.30(f))

Carlyle Lake Wildlife Management Area

Des Plaines Conservation Area (Des Plaines River Waterfowl Area only; and-blind claiming privileges do not apply as specified in 17 Ill. Adm. Code 590.30(f) and 590.50(b))

Eldon Hazlet State Park (North of Allen Branch only)

Ft. de Chartres Historic Site (see site specific regulations of Section of 590.60(b))

Kaskaskia River Fish and Wildlife Area

Lake Shelbyville Fish and Wildlife Area

Lake Simmissippi Conservation Area

Little Black Slough State Natural Area

Lower Cache River State Natural Area

Marshall State Fish and Wildlife Area (Spring Branch Unit & Sparland Unit)

Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26

## ILLINOIS REGISTER

## DEPARTMENT OF CONSERVATION

## NOTICE OF PROPOSED AMENDMENTS

Rend Lake Wildlife Management Area (no permanent blinds allowed)

Rice Lake Conservation Area (sunrise until 12:00 Noon)

Sanganois Conservation Area

Savanna Ordnance Depot (hunting is allowed only from blind sites)

Shawnee National Forest, Bluff Lakes

Union County Public Hunting Area

Woodford County Conservation Area

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: ADMINISTRATION OF SOCIAL SERVICE PROGRAMS

10) Statement of Statewide Policy Objectives (Ill. Rev. Stat. 1987, Ch. 85, par. 2205): This rulemaking has no effect on local governmental units.

2) Code Citation: 89 Ill. Adm. Code 130

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Myron Brigman, Staff Attorney, Office of Counseling and Litigation, Illinois Department of Public Aid, Jessie B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762, (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

3) Section Numbers:

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

- 130.301 Amendment
- 130.302 Amendment
- 130.310 Amendment
- 130.312 Amendment
- 130.313 Amendment
- 130.314 Amendment
- 130.321 Amendment

has no effect on small businesses.

4) Statutory Authority: Sections 12-4.5, 12-4.6, 12-4.7, 12-4.13 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 12-4.5, 12-4.6, 12-4.7, 12-4.13 and 12-13)

The full text of the Proposed Amendments begins on the next page:

5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking modifies the rules governing the commodity distribution program. In part, the modifications implement Section 1 of Public Act 85-1337, which required the Department to establish rules pertaining to the termination of contracts for the distribution of commodities, fraud and abuse, appeals, selection of bids and mandated cost reports. The proposed rules also reflect a change in the percentage of federal funds that must be made available to agencies distributing commodities and a change in the amounts and types of commodities available for distribution. Additionally, because of the reduced amount of commodities made available to the Department, provision for monthly distribution has been changed to periodic distribution.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Do these rulemakings contain an automatic repeal date?  
Yes ☒ No ☐

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER C: SOCIAL SERVICES

## PART 130

ADMINISTRATION OF SOCIAL  
SERVICE PROGRAMS

## SUBPART A: TITLE XX BLOCK GRANT PROGRAM

Section  
130.10  
130.15  
130.20  
130.25  
130.30  
130.35  
130.40  
130.45  
130.46  
130.50  
130.60  
130.70  
130.71  
130.80

Program Administration  
Definitions  
Goal of Services  
Service Activities  
Expenditure of Block Grant Funds  
Limitations on Services and Expenditures  
Eligibility For Services  
Opportunity to Apply For and Receive Services  
Client Case Records  
Purchase Of Services  
Record Retention  
Fees For Purchased Services  
Fees For Services Provided Through Grants-In-Aid  
Reporting Requirements

## SUBPART B: LOCAL INITIATIVE FUND PROGRAM

Section  
130.100  
130.110  
130.120  
130.130  
130.140  
130.150  
130.152  
130.154

Applicability Of Other Sections  
Overview  
Program Administration  
Request For Proposal  
Allied Agency Responsibilities  
Funding Mechanism  
Sources of Local Funds  
Sources of Locally Generated Funds Used to Match Title XX Funds  
Donor Restrictions on Donations (Repealed)  
Reimbursement Process - Donations (Transferred Funds or Co-Payments)  
Advance Disbursement System  
Reimbursement Process (Certification of Expended Funds)  
Assignment of Budget Costs

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART C: DOMESTIC VIOLENCE PROGRAM

Section  
130.200 Domestic Violence Shelter and Service Programs

## SUBPART D: DISTRIBUTION OF FEDERAL SURPLUS COMMODITIES

Section  
130.300 Program Administration  
130.301 Definitions  
130.302 Allocation Methodology for Federal Surplus Commodities  
130.310 Distribution Network Agencies  
130.311 Local Distribution Centers  
130.312 Liability of Distribution Network Agencies  
130.313 Reports and Maintenance of Records  
130.314 Payment for Distribution  
130.315 Second Harvest Shared Maintenance Fees  
130.320 Eligibility to Receive Commodities  
130.321 Issue Rates of Commodities

## SUBPART E: INCORPORATION BY REFERENCE

Section  
130.500 Incorporation By Reference

AUTHORITY: Implementing and authorized by Sections 9-1, 12-4.5 through 12-4.7, and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 9-1, 12-4.5 through 12-4.7, and 12-13); and Sections 2 and 3 of "An Act in relation to domestic relations and domestic violence shelters and service programs", (Ill. Rev. Stat. 1987, ch. 40, pars. 2402 and 2403).

SOURCE: New rules adopted and codified at 8 Ill. Reg. 6069, effective April 25, 1984; amended at 9 Ill. Reg. 8645, effective May 22, 1985; amended at 9 Ill. Reg. 15882, effective October 6, 1985; amended at 10 Ill. Reg. 11915, effective July 3, 1986; amended at 11 Ill. Reg. 2828, effective January 30, 1987; amended at 13 Ill. Reg. 3831, effective March 17, 1989; amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 130.301 Definitions

- a) "Distribution Network Agency" (DNA) means a private, voluntary not-for-profit agency which has a tax exempt



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 130.301 Definitions (Cont'd)

status, or governmental agency legally authorized to operate within the State of Illinois with which the Department has a contract to distribute commodities in a designated geographic area.

- b) "Local Distribution Center" (LDC) means a private not-for-profit or local government agency which distributes Federal Surplus Commodities to eligible recipient households under contract to a Distribution Network Agency.

- c) "Mass Distribution" is primarily that distribution which is performed ~~once-monthly~~ periodically to a mass assembly gathered at an appointed place and ~~period-of~~ time, and may include pre-registration of eligible households and home delivery to shut-ins.

- d) "Pantry Allocation" means that portion of Federal Surplus Commodities available to the State which are allocated through Emergency Food Pantries for distribution.

- e) "Pantry Distribution" means distribution of Federal Surplus Commodities to individual households or families through an Emergency Food Pantry which provides staple foodstuffs, has regular hours, has food available on a continuous basis and has foods available in addition to Federal Surplus Commodities.

- f) "Second Harvest" means the National Association in which Food Banks must have recognized standing and membership in order to apply to assess a shared maintenance fee to its membership for receipt of Federal Surplus Commodities.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 130.302 Allocation Methodology for Federal Surplus Commodities

- a) Allocation of Federal Surplus Commodities (FSC) shall be by geographic areas designated by the Department.

- b) Designation of Geographic Areas:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 130.302 Allocation Methodology for Federal Surplus Commodities (Cont'd)

- 1) Boundaries of geographic areas for the counties of Cook and St. Clair shall be coincidental with the boundaries of local offices of the Department and/or city/county lines.

- 2) The boundaries for geographic areas for the remainder of the counties shall be by county line.

## c) Allocation Formula:

- 1) A county shall receive a ~~monthly~~ periodic allocation of commodities in an amount which bears the same ratio to the total of available commodities as the county's population eligible to receive food stamps bears to the population of Illinois who are eligible to receive food stamps.

- 2) The percentage allocation will be recomputed not less often than semi-annually and shall be based on the then most current month for which data regarding the Food Stamp Program is available.

- 3) The allocation for Cook County shall be further subdivided by providing each geographic area identified by a U.S. Postal Service ZIP Code with an allocation of the total of available commodities allocated to Cook County which bears the same ratio as the number of eligible food stamp recipients within the geographic area bears to the county as a whole.

- 4) The allocation for St. Clair County shall be further subdivided by providing each geographic area designated by the Department with an allocation of the total of available commodities allocated to St. Clair County which bears the same ratio as the number of food stamp recipients in the geographic area bears to the county as a whole.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 130.310 Distribution Network Agencies

- a) Distribution Network Agencies (DNA's) shall be selected annually by the Department through a request for proposal process ~~prior to the beginning of the Illinois fiscal year (July 1--June 30).~~
- b) Requests for proposals will be announced by newspaper publication and will be sent to all agencies currently serving as DNA's or which have expressed an interest in being a DNA by contacting the Department.
- c) Agencies may make application to act as a DNA for one geographic area or several.
- d) Agencies may make application to provide mass distribution or pantry distribution.
- e) In order to serve as a DNA, an agency must assure the department that it:
  - 1) has the ability to serve the geographic area for which it is bidding, either directly or through subcontracts, with sufficient distribution sites to allow eligible recipients access to the program without unreasonable travel requirements;
  - 2) will locate distribution sites in areas readily accessible to the target population;
  - 3) will serve all eligible persons;
  - 4) has the ability to distribute all available commodities in an orderly fashion;
  - 5) ~~has the ability to distribute commodities on at least a monthly basis;~~
  - 6) has the ability to determine the eligibility of each applicant in accordance with the provisions of Section 130.320.
  - 7) will maintain required fiscal inventory and distribution records;

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 130.310 Distribution Network Agencies (Cont'd)

- 87) has the ability to properly store all products received and to assure maintenance of quality and provision of adequate security;
  - 98) has the ability to provide for program publicity throughout the geographic area to inform as many potential program participants as possible, of the availability of the program;
  - 109) maintains an agency policy and practice of nondiscrimination;
  - 110) has procedures for receipt, investigation and resolution of complaints;
  - 121) will not diminish the agency's historic level of expenditure for food prior to the receipt of commodities, and will use commodities to supplement other food sources;
  - 1312) will enter into a written contractual agreement with the Department which includes the terms and conditions specified above; and
  - 1413) when application is made for pantry distribution, will assure that LDC's shall meet the criteria included in the definition of Emergency Food Pantry.
- f) Applications will be considered only from responsible applicants and must contain a responsive proposal. A responsible applicant is one that has the capacity to perform all aspects of the contract at the time of award or execution of the contract, whichever is later. A responsive proposal is one that responds to all requirements of the Request for Proposal and is received by the date and time set forth in the Request. The Department will select those applicants judged best able to carry out the provisions set forth in (e) above.
- g) Applicants who respond to a Request for Proposal and are not awarded a contract have the right to protest the decision not to award a contract. In considering



## DEPARTMENT OF PUBLIC AID

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

## Section 130.310 Distribution Network Agencies (Cont'd)

## Section 130.312 Liability of Distribution Network Agencies (Cont'd)

protests, the Department will follow 44 Ill. Adm. Code 1.2100, et seq. Applicants may request the score on their proposal only. Protests or objections must be made in writing and received by the Department no later than 7 calendar days from the action objected to. A written response will be provided to bid protests or objections that are timely filed. The decision of the Department on a bid protest or objection is final.

b) The Department has the right to terminate a contract immediately if the terms and conditions of the contract are breached. A contract may be terminated by either party upon 30 days advance written notice.

i) A contractor shall notify the Department within 5 days if it becomes insolvent, files for bankruptcy or is declared bankrupt or makes an assignment for the benefit of creditors.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 130.312 Liability of Distribution Network Agencies

a) Each DNA shall be liable for loss, theft, damage or deterioration of Federal Surplus Commodities while they are in possession of the DNA and for distribution to non-eligible households through failure to conform to the requirements of Section 130.320(c).

b) DNA's may self insure or obtain insurance (e.g. liability insurance, letter of credit, security bond) to cover the potential loss of commodities, but in either case must show proof of financial responsibility at least equal to the maximum value of commodities which may be in possession at any given time during the contract period.

c) Sale or other disposal of commodities into commercial channels is strictly prohibited. The sale, exchange, or use of commodities for personal gain or any other form of fraud or abuse is subject to Federal and State prosecution. Commodities shall not be distributed in conjunction with any political activity, partisan or otherwise.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 130.313 Reports and Maintenance of Records

a) Each DNA shall be responsible for the maintenance of accurate and complete records on all Federal Surplus Commodities received and distributed, and Federal Surplus for reporting to the Department at least monthly for any month the DNA receives, distributes or has inventory on hand:

- 1) the amounts of each commodity distributed to each Distribution Center;
- 2) any remaining inventory;
- 3) any losses during the month reporting period; and
- 4) the number of households served.

b) Each LDC shall be responsible for the maintenance of obtaining accurate and completed records on all pertaining to households that receive Federal Surplus Commodities received and distributed, and for reporting submitting household participation records to the DNA upon request at least monthly the amount of each commodity received and distributed during the month. The DNA shall maintain and have available for audit purposes records of receipt of commodities by individual households. Individual household recipient records will include:

- 1) name and address;
- 2) number of persons in the household;

2)3) date, type and amount of commodity received; and

3)4) method of establishing eligibility.

c) Each DNA which receives reimbursement for distribution costs, and all Second Harvest Food Banks which assess a shared maintenance fee, shall submit a cost report



DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 130.313 Reports and Maintenance of Records (Cont'd)

on a quarterly basis. This report shall be in a format prescribed by the Department, and shall include all income and allowable costs associated with commodities receipt, storage, distribution, and recordkeeping which may be required under the program. Allowable costs are those that are directly related to the operation of the commodities distribution program. Documentation to substantiate reported costs shall be maintained by each DNA.

- d) Records are to be maintained for a period of 3 years from the close of the federal fiscal year to which they pertain.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 130.314 Payment for Distribution

Based upon the availability of federal funds, the Department will make available at least 20 40 percent of the federal allocation to DNAs on a flat-rate-per-pound basis administrative funds provided by the United States Department of Agriculture to pay for delivery of commodities to DNAs and to help offset the costs of distribution. The amount which may be paid to a DNA may not exceed 5 percent of the federally assigned value of the commodities received by a DNA nor shall it exceed the actual allowable costs (see Section 130.313(c)) incurred by the DNA in fulfilling its distribution responsibilities.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 130.321 Issue Rates of Commodities

Individuals or households which are determined eligible to receive commodities shall receive available commodities in amounts consistent with the amount of each product available and the size of the household unit. If distribution is less than monthly, issue rates may be increased proportionately.

Commodity	1-2 persons	3-5 persons	6-9 persons	10+
Cheese	5-lb. 2-pounds	5-pounds 4-pounds	10-pounds 6-pounds	15-pounds 8-pounds
Butter				

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 130.321 Issue Rates of Commodities (Cont'd)

Commodity	1-2 persons	3-5 persons	7 + persons
Dry-Milk	4-pounds	4-pounds	8-pounds 12-pounds
Honey	3-pounds	3-pounds	3-pounds 6-pounds
Cornmeal	5-pounds	5-pounds	10-pounds 10-pounds
Peanut Butter	5-pounds	5-pounds	10-pounds 10-pounds
Rice	2-pounds	4-pounds	6-pounds 8-pounds

Commodity	1-2 persons	3-5 persons	7 + persons
Raisins	1 pound	1 pound	1 pound
Cornmeal	1 pound	1 pound	1 pound
Honey	1 pound	2 pounds	3 pounds
Peanut Butter	1 pound	2 pounds	3 pounds
Pork	1 pound	2 pounds	3 pounds
Vegetarian Beans	1 pound	2 pounds	3 pounds
Butter	2 pounds	3 pounds	4 pounds
Egg Mix	2 pounds	3 pounds	4 pounds
Flour	2 pounds	3 pounds	4 pounds

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

- 1) The Heading of the Part: AID TO THE AGED, BLIND OR DISABLED
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Number: Proposed Action:  
113.302 Amendment
- 4) Statutory Authority: Sections 3-1, 3-6, 5-4 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 3-1, 3-6, 5-4 and 12-13)
- 5) A Complete Description of the Subjects and Issues Involved: At the behest of the Joint Committee on Administrative Rules, the Department is clarifying the language in this rulemaking regarding the beginning date for when the Department will pay medical bills.
- 6) Will this proposed amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?  
Yes ☐ No ☒
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
113.5	New Section	December 16, 1988 (12 Ill. Reg. 20654)
113.130	Amendment	September 30, 1988 (12 Ill. Reg. 15475)
113.253	Amendment	December 30, 1988 (12 Ill. Reg. 22299)
113.260	Amendment	December 30, 1988 (12 Ill. Reg. 22299)

- 10) Statement of Statewide Policy Objectives (Ill. Rev. Stat. 1987, ch. 85, par. 2205): This rulemaking has no effect on local governmental units.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Office of the General Counsel, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield, Illinois 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.
- 12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendment begins on the next page:



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

## PART 113

AID TO THE AGED, BLIND OR DISABLED

## SUBPART A: GENERAL PROVISIONS

Section  
113.1 Description of the Assistance Program

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section  
113.9 Client Cooperation

113.10 Citizenship

113.20 Residence

113.30 Age

113.40 Blind

113.50 Disabled

113.60 Living Arrangement

113.70 Institutional Status

113.80 Social Security Number

## SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

113.100 Unearned Income

113.101 Budgeting Unearned Income

113.102 Budgeting Unearned Income of Applicants Receiving

Income On Date of Application And/Or Date of Decision

113.103 Initial Receipt of Unearned Income

113.104 Termination of Unearned Income

113.105 Unearned Income In-Kind

113.106 Earmarked Income

113.107 Lump Sum Payments and Income Tax Refunds

113.111 Protected Income

113.112 Earned Income

113.113 Budgeting Earned Income

113.114 Budgeting Earned Income of Applicants Receiving Income

On Date of Application And/Or Date of Decision

113.115 Initial Employment

113.116 Budgeting Earned Income For Contractual Employees

113.117 Budgeting Earned Income For Non-contractual School

Employees

113.118 Termination of Employment

113.120 Exempt Earned Income

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

Section  
113.122 Non-Exempt Unearned Income

113.125 Recognized Employment Expenses

113.130 Income From Work/Study/Training Programs

113.131 Earned Income From Self-Employment

113.132 Earned Income From Roomer and Boarder

113.133 Earned Income From Rental Property

113.134 Earned Income In-Kind

113.139 Payments from the Illinois Department of Children and

Family Services

113.140 Assets

113.141 Exempt Assets

113.142 Asset Disregard

113.143 Deferral of Consideration of Assets

113.154 Property Transfers

113.156 Court Ordered Child Support Payments of

Parent/Step-Parent

113.160 Assignment of Medical Support Rights

## SUBPART D: PAYMENT AMOUNTS

Section

113.245 Payment Levels for AABD

113.246 Personal Allowance

113.247 Personal Allowance Amounts

113.248 Shelter

113.249 Utilities and Heating Fuel

113.250 Laundry

113.251 Telephone

113.252 Transportation, Lunches, Special Fees

113.253 Allowances for Increase in SSI Benefits

113.254 Nursing Care or Personal Care in Home Not Subject to

Licensing

113.255 Sheltered Care in a Licensed Group Care Facility

113.256 Shopping Allowance

113.257 Special Allowances for Blind (Blind Only)

113.258 Home Delivered Meals

113.259 AABD Fuel and Utility Allowances By Area

113.260 Sheltered Care Rates

## SUBPART E: OTHER PROVISIONS

Section

113.300 Persons Who May Be Included In the Assistance Unit

113.301 Grandfathered Cases

113.302 Interim Assistance

113.303 Special Needs Authorizations

113.304 Retrospective Budgeting



## DEPARTMENT OF PUBLIC AID

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

## NOTICE OF PROPOSED AMENDMENT

## Section

113.305 Budgeting Schedule  
 113.306 Purchase and Repair of Household Furniture  
 113.307 Property Repairs and Maintenance  
 113.308 Excess Shelter Allowance  
 113.320 Redetermination of Eligibility  
 113.500 Attorney's Fees for SSI Appellants

## AUTHORITY: Implementing Article III and authorized by

Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981;

peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by sections being codified with no substantive change) at 8 Ill. Reg. 17835; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective August 9, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg.



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

§956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 6996, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

## Section 113.302 Interim Assistance

- a) When an individual makes application for AABD (SSP) the application shall be approved for Interim Assistance pending determination of categorical relatedness by the Social Security Administration (SSA), if countable income is less than the Payment Level for Interim Assistance (see Section 113.245) and all other eligibility criteria except for determination of categorical relatedness have been met. It shall be a condition of eligibility for Interim Assistance to have filed an application for Supplemental Security Income (SSI).
- b) Medical eligibility for Interim Assistance cases begins the earliest one of the following months in which all eligibility requirements are met (see 89 Ill. Adm. Code 110.32):

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

## Section 113.302 Interim Assistance (Cont'd)

- 1) the third month before the month of application, or
- 2) the month of application or,
- 3) the first month eligibility begins following the month of application.

c) To be medically eligible means that all eligibility requirements for Interim Assistance are met for the month even though Interim Assistance may not be authorized for the month. Services prompted by an illness or accident beginning before the client is medically eligible, and continuing beyond the date of eligibility, are payable on a prorated basis from the date of medical eligibility forward.

d) When Interim Assistance is authorized the application process shall continue until the local office receives notification from SSA that the applicant is either categorically related or not categorically related. At that point, a final disposition of the application is made and certification is authorized or the application is denied.

## e) Continuation of assistance during SSA appeal

- 1) The Department shall accept the SSA determination of categorical relatedness under the application for SSI.
- 2) If the individual appeals the SSA determination of categorical relatedness to SSA, Interim Assistance shall be continued through the level of a determination by an Administrative Law Judge (ALJ) subject to the time limits of subsection (c)3) below. If assistance has been cancelled but the client later appeals to SSA, the case shall be reinstated through the ALJ level subject to the time limits of subsection (c)3) below.
- 3) If the client notifies the Department of his appeal to SSA within 10 days of the date of the Department notice, assistance will be continued with no break. If the client notifies the



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

## Section 113.302

## Interim Assistance (Cont'd)

Department of his appeal to SSA within 11 through 65 days of the date of the Department notice, assistance will be reinstated back to the original date of cancellation. If the client notifies the Department of his appeal to SSA more than 65 days after the date of the Department notice, assistance will be provided prospectively only, unless the client actually appealed to SSA within 65 days of the date of the Department notice, in which case assistance will be reinstated back to the original date of cancellation.

4) If Interim Assistance is not begun before the SSA determination, but the client appeals the determination to SSA, Interim Assistance shall be authorized through the level of a determination of an Administrative Law Judge.

5) If an Administrative Law Judge finds the individual to be not categorically related, the Department shall accept that finding as final. The individual shall not have the right to appeal the determination of categorical relatedness to the Department at any time during this process.

f) SSI applicants who have been placed in approved community, long-term settings from DMHDD operated facilities are also eligible to be placed on Interim Assistance if need exists.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED RULES

## 1) The Heading of the Part: DEMONSTRATION PROGRAMS

2) Code Citation: 89 Ill. Adm. Code 170

3) Section Numbers: Proposed Action:

170.100 New Section  
170.110 New Section  
170.120 New Section  
170.130 New Section  
170.200 New Section

4) Statutory Authority: Sections 12-4.28 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 12-4.28 and 12-13)

5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements two components of the Welfare Demonstration Project: the Career Advancement Program and the Community Participation Program (Bethel New Life). The Career Advancement Program furthers educational opportunities by providing supportive services to persons who have left AFDC for employment. The Community Participation program is a demonstration of whether a private group can perform functions normally performed by Project Chance. This rulemaking also provides for the Bethel New Life housing supplementation project.

6) Will these proposed rules replace emergency rules currently in effect? No

7) Does this rulemaking contain an automatic repeal date? Yes ☒ No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments



## ILLINOIS REGISTER

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED RULES

concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Office of the General Counsel, Illinois Department of Public Aid, 100 South Grand Avenue E., 3rd Floor, Springfield, Illinois 62762 217/782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

- 2) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Rules begins on the next page:

## ILLINOIS REGISTER

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED RULES

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER g: DEMONSTRATION PROGRAMS

PART 170  
DEMONSTRATION PROGRAMS

## SUBPART B: THE CAREER ADVANCE PROGRAM

## Section

170.100 The Career Advance Program

170.110 Career Advancement Experimental and Control Groups

170.120 Career Advancement Participation Requirements of Experimental Group Members

170.130 Career Advancement Supportive Services for Experimental Group Members

## SUBPART C: COMMUNITY GROUP PARTICIPATION PROGRAM

170.200 Community Group Participation Program

AUTHORITY: Implementing and authorized by Sections 11-20, 12-13 and 12-4.28 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, pars. 11-20, as amended by P.A. 85-1156, effective January 1, 1989, 12-13 and 12-4.28).

SOURCE: Adopted at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

## SUBPART B: THE CAREER ADVANCEMENT PROGRAM

Section 170.100 The Career Advancement Program

- a) The Career Advancement Program is a five year demonstration program of experimental design, operated by the Department. The purpose of the demonstration program is to determine if voluntary participation in a program providing supportive services for education and training for individuals who are no longer eligible for Aid to Families with Dependent Children (AFDC) cash assistance (see 89 Ill. Adm. Code 112) will measurably lower the instances of individuals returning to receive AFDC cash assistance.



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED RULES

## Section 170.100 The Career Advancement Program (Cont'd.)

b) Former AFDC recipients are eligible for selection into the Career Advancement Program. The Department will select individuals who:

- 1) are no longer eligible for AFDC cash assistance due to employment, but earning less than 185% of the Standard of Need;
- 2) apply for the Career Advancement Program within one (1) year from the date the individual is no longer eligible for AFDC cash assistance due to employment;
- 3) have enrolled in an educational or training program approved by the Department during non-work hours for up to one (1) year from the time of enrollment. Approval of educational and training programs is based upon the Department's assessment that:

- A) the individual does not possess a high school diploma or a General Educational Development (GED) certificate or possesses one and is in need of further training (e.g., a Day Care Aide who must obtain further education to satisfy the requirements for that position). The individual may enroll in a literacy training; Adult Basic Education, or English as a Second Language program which will provide basic skills and education needed for employment and career advancement; or the individual is enrolled in post-secondary education, vocational training, or baccalaureate degree program which will provide career advancement;
- B) the individual has the aptitude, ability and interest necessary for success in the particular education or training program (as determined by such factors as test results, educational background and previous training);
- C) the education or training program is not a post-graduate degree program; and

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED RULES

## Section 170.100 The Career Advancement Program (Cont'd.)

D) the education or training program is administered by an educational institution accredited by the Illinois State Board of Education or the Department of Professional Regulation or is a Job Training Partnership Act (JTPA) program (29 U.S.C. 1501 et seq.).

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 170.110 Career Advancement Experimental and Control Groups

a) All individuals eligible under Section 170.100(b) will be sent a written notice describing the Career Advancement Program at the time the client is no longer eligible for AFDC cash assistance, and four and eight months later. An individual who requests to participate in this program will be randomly assigned by computer to one of the following groups:

- 1) an experimental group. The experimental group consists of those individuals who meet the criteria of Section 170.100(a) and will be offered the services described in Section 170.130; or
  - 2) a control group. The control group consists of those individuals who meet the criteria of Section 170.100(b) but are not allowed to comply with the requirements of Sections 170.120 and 170.130.
- b) Individuals who request to participate in the Career Advancement Program will be informed by written notice of the outcome of the selection by the Department. Selected individuals in the experimental group will attend a call-in meeting to assess the education and training program and supportive service needs.
- c) Length of time in program and Supportive Services
- 1) As long as the Career Advancement program is in effect, a person designated as an experimental or control group member retains that designation, even if the person again becomes an AFDC



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED RULES

## Section 170.110 Career Advancement Experimental and Control Groups (Cont'd.)

recipient. If the individual again stops receiving AFDC and reapplies for the Career Advancement Program, he/she will be reinstated in the sample in the same group of which the individual had previously been a part.

- 2) If the individual had not used the one (1) year of supportive services (see Section 170.130) during participation in the Career Advancement Program and is later determined to be ineligible for AFDC benefits due to employment, the individual may use the remainder of the time if the person is part of the experimental group.

- d) Individuals who leave the state or die or whose youngest child in the household becomes eighteen (18) years of age, will no longer be eligible to participate in Career Advancement Program.

- e) Participation in the Career Advancement Program is voluntary for all persons who are eligible as described in Section 170.110(b).

- f) To preserve the experimental design, enrollment in the Career Advancement Program is limited to only experimental group members.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 170.120 Career Advancement Participation Requirements of Experimental Group Members

- a) Individuals assigned to the "experimental group" will attend a scheduled Career Advancement Orientation session. The Orientation session consists of Project Chance staff providing enrolled participants with an overview of Career Advancement, informing them of Career Advancement requirements and available supportive services.

- b) Individuals must provide written verification of enrollment from an education or training program (of their choice) prior to issuance of supportive services by Career Advancement (see Section 170.130).

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED RULES

## Section 170.120 Career Advancement Participation Requirements of Experimental Group Members (Cont'd.)

- c) Individuals who drop out of an education or training program will remain in the experimental group, but will no longer receive supportive services.

- d) Fraudulent enrollment in an education or training program for receipt or use of Career Advancement supportive services will result in discontinuance of supportive services.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 170.130 Career Advancement Supportive Services for Experimental Group Members

- a) Individuals must provide verification of need for supportive services.

- b) The Career Advancement Program will provide supportive services payments to assist individuals with costs for:

- 1) Day Care

day care during non-work hours to enable the individual to attend his/her education or training program. Maximum rates for day care have been established by the Illinois Department of Children and Family Services (DCFS) (see 89 Ill. Adm. Code 356.5(g)). The Department will allow payment of an amount not to exceed the maximum rates per child as established by DCFS.

- 2) Transportation

transportation to and from the education and training program site. Transportation payments are made at the most reasonable and most economical rate, whichever is less. If the individual's own automobile is used, the established rate per mile (i.e., 21¢ per mile) will be approved, which includes all vehicle-related expenses.



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED RULES

Section 170.130 Career Advancement Supportive Services for Experimental Group Members (Cont'd.)

- 3) Mandatory Fees  
fees for application, registration, activities, laboratory, graduation, and GED testing and certification. A maximum of \$300 covering the one (1) year participation period may be issued for fees.
- 4) Education and Training Equipment, Books and Supplies  
education and training equipment, books, and supplies. A maximum payment of \$300 covering the one (1) year participation period will be issued for these items.
- c) Tuition or other direct costs of the education and training program will not be paid by the Department.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: COMMUNITY GROUP PARTICIPATION PROGRAM

Section 170.200 Community Group Participation Program

- a) The Department will contract with Bethel New Life (Bethel), a Chicago-based community development corporation for the implementation of the Community Group Participation Program. Bethel will replace Project Chance for 500 of the 1000 AFDC recipients volunteering for the demonstration project. The volunteers will come from a pool of AFDC mandatory and voluntary participants in Project Chance living in zip code 60624.
- b) Elements of the Community Group Participation Program  
The Department will contract with Bethel to provide administrative, no-fee training and counseling services that the Department normally provides for Project Chance participants.
  - 1) Child care, transportation and other support services will be paid for according to the

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

Section 170.200 Community Participation Program (Cont'd.)

- utilization by participants and according to 89 Ill. Adm. Code 112.82. The Department will contract with Bethel to provide those services.
- 2) Participants in Project Chance may volunteer to participate in the Community Participation Program at Project Chance orientation sessions (see 89 Ill. Adm. Code 112.76). At the close of the Project Chance orientation session those interested in the Community Participation Program may remain to hear the Bethel presentation. Names will be assigned to either the experimental or control groups based on an existing random number table.
- 3) Bethel will conduct introduction and orientation sessions to inform potential participants about their program and the participants' responsibilities. Assessment and assignment to appropriate education and training programs will be done by Bethel as set forth in 89 Ill. Adm. Code 112.72 through 112.78.
- c) Participants who fail to cooperate with the Community Group Participation Program will be removed from the program and will become ineligible to participate in the program at any future time. Persons who become ineligible for the Community Group Participation Program because of noncooperation will not be sanctioned.
- d) Housing Supplementation Project
  - 1) Bethel will also operate a Housing Supplementation Project. This Project will involve a maximum of fifty persons selected from the five hundred Community Group Participation Program volunteers (see subsection a) and 2) below). Housing will be subsidized in part by grants equal to 6 months of AFDC benefits per participant. These grants will serve as seed money for newly employed people who volunteer and are selected by Bethel to work at \$6 an hour to build sweat equity in a home. Working 750 hours will provide money for a down payment on a home.



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

## Section 170.200 Community Participation Program (Cont'd.)

The rest of the payment will come from existing foundation sources through Bethel.

- 2) Former AFDC mandatory and volunteer participants in Project Chance who meet the following selection criteria are eligible to participate in the Housing Supplementation project.

- A) human resources (two-parent family or a woman with relatives to assist);
- B) credit worthiness;
- C) unstable pattern of living due to circumstances beyond the control of the individual; and
- D) desire for home ownership.

- 3) Participation in the project is voluntary. An AFDC recipient who wants to participate in the Housing Supplementation project must agree to all provisions in this Section prior to the time of participation in the program.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part:

Emergency Medical Services

- 2) Code Citation:

77 Ill. Adm. Code 535

- 3) Section Numbers:

Proposed Action:

535.10 Amendment  
535.20 Amendment  
535.900 New Section  
535.910 New Section  
535.920 New Section  
535.930 New Section  
535.931 New Section  
535.932 New Section  
535.933 New Section  
535.934 New Section  
535.935 New Section  
535.936 New Section  
535.940 New Section  
535.941 New Section  
535.942 New Section  
535.943 New Section  
535.950 New Section  
535.951 New Section  
535.952 New Section  
535.953 New Section

- 4) Statutory Authority:

Emergency Medical Services(EMS) Systems Act  
Ill. Rev. Stat. 1987, ch. 111 1/2, par. 5501 et seq.

- 5) A Complete Description of the Subjects and Issues Involved:

Rules promulgated pursuant to P.A. 85-575.

In Section 535.10, the following definitions have been added: Aeromedical crew member, Watercraft crew member, Off-road SEMSV crew member, Fixed-wing aircraft, Helicopter, Rotorcraft, Instrument Flight Rules, IFR, Off-Road Specialized Emergency Medical Services Vehicle, Off-Road SEMSV, Off-Road SEMSV Vehicle, Pilot, EMS Pilot, SEMSV Medical Control Point, Medical Director, SEMSV Program, Specialized Emergency Medical Services Vehicle Program, Specialized Emergency Medical Services Vehicle, SEMSV and Watercraft.



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

In Section 535.20 the following Incorporated Materials have been added: Air Taxi Operations and Commercial Operators (14 CFR 135), Subparts A, B, C, D, E, F, J.

Section 535.900 lists the process of making application for program approval by the Department, the length of certification and renewal process.

Section 535.910 outlines the criteria for denial, non-renewal, suspension or revocation of certification.

Section 535.920 lists the criteria for program certification for all SEMS vehicles used in an EMS System. Subpart e), identifies the requirements for being named as the SEMSV Program Medical Director.

Sections 535.930 through 535.936 identify the specific requirements and responsibilities of the SEMSV Program Medical Director as they relate to Helicopter and Fixed Wing aircraft only, including treatment protocols, periodic review; initial and continuing education of the aeromedical crew members; appropriate staffing; required medical equipment and drug lists; map of the service area; EMS pilot requirements including initial and continuing education, EMS pilot staffing, flight hour requirements, length of certification of pilots; vehicle specifications, including climate controlled interiors, loading access, communications equipment, interior lighting, survival equipment, patient restraints, searchlights, flight reference instruments, cockpit isolation, engine requirements for helicopters and fixed-wing aircraft; maintenance requirements for aircraft, including personnel staffing and the requirements for establishing a communications and dispatch center.

Sections 535.940 through 535.943 identify the specific requirements and responsibilities of the SEMSV Medical Director as they relate to watercraft, including staff training and continuing education, approved medical equipment and drug list, appropriate staffing, standing orders, communications links, map of the service area, basic vehicle equipment list, including navigational charts, boat hook, etc.

Sections 535.950 through 535.953 list the specific responsibilities and requirements of the SEMSV Program Medical Director as they relate to Off-Road SEMS Vehicles, including staffing, crewmember training and continuing education, communications medical equipment and drug lists, standing orders for ALS operation, maps of the service area; vehicle specifications including litter position and locking capability, etc.

The economic effect of this proposed rulemaking is unknown. Therefore,

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

the Department requests any information that would assist in calculating this effect.

The Department anticipates that this proposed rulemaking will become effective approximately six to nine months, from the date of publication as proposed in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify the date: \_\_\_\_\_

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes ☒ No ☐

If "yes," please specify type: 6.02(a) ☒ or 6.02(b) ☒

9) Are there any other Proposed Amendments Pending on this Part?

Yes ☒ No ☐

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
535.150	Amendments	
535.200	Amendments	
535.240	Amendments	
535.400	Amendments	
535.410	Amendments	
535.420	Amendments	
535.430	Amendments	
535.800	New Section	
535.810	New Section	
535.820	New Section	
535.830	New Section	
535.840	New Section	
535.850	New Section	
535.860	New Section	
535.870	New Section	

10) Statement of Statewide Policy Objectives:

Please specify: This rulemaking identifies requirements and standards for



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

Specialized Emergency Medical Services Vehicles, including crewmember qualifications, training, continuing education, staffing, vehicle specifications, maintenance requirements, communication standards and medical equipment and drug lists.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

March 20, 1989

B) Type of Small Businesses Affected:

Hospitals	Physicians	Pilots
Ambulance Services	Nurses	
Air Taxi Operators	Paramedics	

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

At the time approval is requested, a program plan must be prepared.

D) Types of Professional Skills Necessary for Compliance:

Nurse Administrator

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER F: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 535  
EMERGENCY MEDICAL SERVICES

SUBPART A: GENERAL

SECTION  
535.10  
535.20

Definitions  
Incorporated Materials

SUBPART B: COMMUNICATIONS

SECTION  
535.50  
535.60

General Communications  
EMS Communications

SUBPART C: LICENSURE OF AMBULANCES

SECTION  
535.100  
535.110  
535.120  
535.130  
535.140  
535.150

Licensure of Ambulances - General  
Denial of License  
Renewal of License  
Renewal of License Denied  
Revocation of License  
Ambulance Licensing Requirements

SUBPART D: EMERGENCY MEDICAL SERVICES SYSTEM PROGRAM

SECTION  
535.200  
535.210  
535.220  
535.230  
535.240  
535.250  
535.260  
535.265  
535.270

Emergency Medical Services System Program - General  
EMS System Program Application  
Additions to Approved Program  
EMS System Personnel Standards and Responsibilities  
Minimum Standards for Continuing Operation  
Resolution of Conflicts (Repealed)  
System Participation Suspensions  
System Review Board  
State EMS Disciplinary Board

SUBPART E: EMERGENCY MEDICAL TECHNICIAN - AMBULANCE TRAINING (EMT-A)

SECTION



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

535.300 Emergency Medical Technician - Ambulance Training - General  
535.310 EMT-A Testing  
535.315 Fee For Testing  
535.320 EMT-A Certification  
535.330 EMT-A Recertification  
535.340 Failure to Recertify-Denial of Recertification  
535.350 Penalty

SUBPART F: EMERGENCY MEDICAL TECHNICIAN - INTERMEDIATE  
TRAINING (EMT-I)

SECTION  
535.400 Emergency Medical Technician - Intermediate Training - General  
535.410 EMT-I Testing  
535.415 Fee For Testing  
535.420 EMT-I Certification  
535.430 EMT-I Recertification  
535.435 Failure to Recertify-Denial of Recertification  
535.440 EMT-I Inactive Status  
535.450 Penalty

SUBPART G: EMERGENCY MEDICAL TECHNICIAN - PARAMEDIC  
TRAINING (EMT-P)

SECTION  
535.500 Emergency Medical Technician - Paramedic Training - General  
535.510 EMT-P Testing  
535.515 Fee For Testing  
535.520 EMT-P Certification  
535.530 EMT-P Recertification  
535.535 Failure to Recertify-Denial of Recertification  
535.540 EMT-P Inactive Status  
535.550 Penalty

SUBPART H: RECIPROCITY

SECTION  
535.600

Reciprocity

SUBPART I: SUSPENSION, REVOCATION AND DENIAL  
OF CERTIFICATION OF EMT's

SECTION  
535.650

Suspension, Revocation and Denial of Certification of EMT's

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

SUBPART J: DATA COLLECTION AND EVALUATION

SECTION  
535.700 Data Collection and Evaluation

SUBPART K: WAIVER PROVISIONS

SECTION  
535.750 Waiver Provisions

SUBPART M: CERTIFICATION OF SPECIALIZED EMERGENCY MEDICAL SERVICES  
VEHICLE (SEMSV) PROGRAMS

SECTION  
535.900 Certification of SEMSV Programs - General  
535.910 Denial, Nonrenewal, Suspension or Revocation of Certification  
535.920 SEMSV Program Certification Requirements for All Vehicles  
535.930 Helicopter and Fixed-Wing Aircraft Requirements  
535.931 EMS Pilot Specifications  
535.932 Aeromedical Crew Member Training Requirements  
535.933 Vehicle Specifications and Operations  
535.934 Medical Equipment and Drugs  
535.935 Vehicle Maintenance  
535.936 Communications and Dispatch Center  
535.940 Watercraft Requirements  
535.941 Vehicle Specifications and Operation  
535.942 Medical Equipment and Drugs  
535.943 Communications and Dispatch Center  
535.950 Off-Road SEMSV Requirements  
535.951 Vehicle Specifications and Operation  
535.952 Medical Equipment and Drugs  
535.953 Communications and Dispatch Center

AUTHORITY:

Implementing and authorized by the Emergency Medical Services  
(EMS) Systems Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 5501  
et seq.).

SOURCE:

Adopted at 5 Ill. Reg. 5670, effective May 19, 1983; amended and  
codified at 8 Ill. Reg. 11623, effective June 27, 1984; amended  
at 11 Ill. Reg. 1433, effective February 1, 1987; amended at 11  
Ill. Reg. 17219, effective October 15, 1987; amended at 11 Ill.  
Reg. 20945, effective December 15, 1987; amended at 12 Ill. Reg.  
22406, effective December 15, 1988.



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

NOTE: All statutory language appears in capital letters.

## SUBPART A: GENERAL

## Section 535.10 Definitions

For the purposes of this Part:

"Act" means the Emergency Medical Services (EMS) Systems Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 5501 et seq.).

"Administrative Hearing" means a hearing conducted by the Department pursuant to a Department action to deny, suspend or revoke an EMT certification or an ambulance license, and in conformance with the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

"ADVANCED LIFE SUPPORT-MOBILE INTENSIVE CARE (ALS-MIC)(ALS)" MEANS AN ADVANCED LEVEL OF PRE-HOSPITAL AND INTER-HOSPITAL EMERGENCY CARE THAT INCLUDES BASIC LIFE SUPPORT FUNCTIONS, (INCLUDING CARDIOPULMONARY RESUSCITATION (CPR) PLUS CARDIAC MONITORING, CARDIAC DEFIBRILLATION, TELEMETERED ELECTROCARDIOGRAPHY, ADMINISTRATION OF ANTIARRHYTHMIC AGENTS, INTRAVENOUS THERAPY, ADMINISTRATION OF MEDICATIONS, DRUGS AND SOLUTIONS, USE OF ADJUNCTIVE MEDICAL DEVICES, TRAUMA CARE, AND OTHER AUTHORIZED TECHNIQUES AND PROCEDURES) INITIATED FOR THE TREATMENT OF REAL OR POTENTIAL ACUTE LIFE THREATENING CONDITIONS UNDER THE DIRECTION OF A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN ALL OF ITS BRANCHES OR A REGISTERED PROFESSIONAL NURSE/MICN OR REGISTERED PROFESSIONAL NURSE/FIELD RN, AND WHERE AUTHORIZED BY THE PROJECT MEDICAL DIRECTOR IN AN ILLINOIS DEPARTMENT OF PUBLIC HEALTH APPROVED ADVANCED LIFE SUPPORT SYSTEM. (Section 4.01 of the Act).

"ADVANCED LIFE SUPPORT-MOBILE INTENSIVE CARE SERVICES (ALS-MIC)(ALS)" MEANS A HOSPITAL PROVIDING WITH THE APPROVAL OF THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH (See Subpart D of this Part), PRE-HOSPITAL EMERGENCY MEDICAL CARE THROUGH THE USE OF ADVANCED LIFE SUPPORT-MOBILE INTENSIVE CARE PERSONNEL, EQUIPMENT AND VEHICLES UNDER THE DIRECTION OF A PROJECT MEDICAL DIRECTOR. (Section 4.02 of the Act).

"ADVANCED LIFE SUPPORT PERSONNEL" MEANS PERSONS ENGAGED IN THE PROVISION OF ADVANCED LIFE SUPPORT, AS DEFINED AND REGULATED BY THIS PART PROMULGATED PURSUANT TO THE ACT. (Section 4.03 of the Act).

"Aeromedical crew member" or "Watercraft crew member" or "off-road SEMSV crew member" means an individual, other than an EMS pilot, who has been approved by a SEMSV Medical Director for specific medical duties in a helicopter or fixed-wing aircraft, on a watercraft, or on

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

an off-road SEMSV used in a Department-certified SEMSV Program (See, Sections 535.930(j)(1) and (j)(2), 535.940(a)(8) and (h), and 535.950(a)(7) of this Part).

"Alternate Project Medical Director" or "Alternate PMD" means the physician who is designated by the Resource Hospital to direct the ALS/ILS operations in the absence of the Project Medical Director.

"AMBULANCE" MEANS ANY PUBLICLY OR PRIVATELY OWNED VEHICLE THAT IS SPECIFICALLY DESIGNED, CONSTRUCTED OR MODIFIED AND EQUIPPED, AND IS INTENDED TO BE USED FOR, AND IS MAINTAINED OR OPERATED FOR THE EMERGENCY TRANSPORTATION OF PERSONS WHO ARE SICK, INJURED, WOUNDED OR OTHERWISE INCAPACITATED OR HELPLESS (See Subpart C of this Part). (Section 4.05 of the Act).

"Ambulance Provider" means any individual, group of individuals, corporation, partnership, association, trust, joint venture, individual doing business under an assumed name, unit of local government or other public or private ownership entity which owns and operates a business or service utilizing one or more ambulances or EMS vehicles for the transportation of emergency patients.

"Area-wide Hospital Emergency Medical Services (AHES) Committees" means those bodies formed pursuant to Section 86.1 of the "AN ACT requiring hospitals to render hospital emergency service in case of injury or acute medical condition and to implement emergency hospital, medical and surgical services on a community or area-wide basis" (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 86.1), and in compliance with the Hospital Licensing Requirements (77 Ill. Adm. Code 250.730).

"Associate Hospital" means a hospital participating in an approved EMS System in accordance with the EMS System Program Plan, fulfilling the same clinical and communications requirements as the Resource Hospital. This hospital has neither the primary responsibility for conducting the mobile intensive care personnel training program nor the responsibility for the overall operation of the EMS System program. The Associate Hospital must have a basic or comprehensive Emergency Department with a 24-hour physician coverage. It must have a functioning Intensive Care Unit and/or a Cardiac Care Unit. This hospital agrees to replace medical supplies and provide for equipment exchange for participating EMS vehicles.

"Associate Hospital EMS Coordinator" means the EMT-P or Registered Nurse at the Associate Hospital who shall be responsible for duties in relation to the ALS or ILS System, in accordance with the Department-approved EMS System Program Plan.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

"Associate Hospital EMS Medical Director" means the physician at the Associate Hospital who shall be responsible for the day-to-day operations of the Associate Hospital in relation to the ALS or ILS System, in accordance with the Department-approved EMS System Program Plan.

"BASIC LIFE SUPPORT (BLS) SERVICES" MEANS THE RENDERING OF BASIC LEVEL OF PRE-HOSPITAL AND INTER-HOSPITAL EMERGENCY CARE, INCLUDING BUT NOT LIMITED TO AIRWAY MANAGEMENT, CARDIOPULMONARY RESUSCITATION, CONTROL OF SHOCK AND BLEEDING AND SPLINTING OF FRACTURES, AS OUTLINED IN A BASIC EMERGENCY CARE COURSE APPROVED BY THE DEPARTMENT AND MEETING THE CURRENT NATIONAL CURRICULUM OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION. (Section 4.06 of the Act).

"CENTRAL COMMUNICATIONS SYSTEM" MEANS A RADIO AND COMMUNICATIONS COMMAND AND CONTROL CENTER OR CENTERS RESPONSIBLE FOR ACCEPTING CALLS FROM THE PUBLIC FOR EMERGENCY MEDICAL SERVICES, FOR DISPATCHING EMERGENCY MEDICAL SERVICES PERSONNEL AND VEHICLES, FOR RADIO COORDINATION OF EMERGENCY MEDICAL SERVICES VEHICLES AND PERSONNEL, FOR COORDINATION OF MEDICAL COMMUNICATIONS BETWEEN EMERGENCY MEDICAL SERVICES PERSONNEL AND PUBLIC SAFETY AGENCIES, AND WHERE APPLICABLE, FOR COORDINATION AND MANAGEMENT OF RADIO FREQUENCIES DEVOTED TO BIOMEDICAL TELEMETRY. (Section 4.07 of the Act).

"Channel, Half-Duplex" means a radio channel that transmits and receives signals, but in only one direction at a time.

"CONSUMER" MEANS A PERSON IN THIS STATE WHO IS A RECIPIENT OR POTENTIAL RECIPIENT OF THE SERVICES PROVIDED BY AN EMERGENCY MEDICAL SERVICES SYSTEM, WHO RECEIVES NO DIRECT OR INDIRECT PERSONAL, FINANCIAL, OR PROFESSIONAL BENEFIT AS A RESULT OF AN ASSOCIATION WITH HEALTH CARE OR EMERGENCY SERVICES OTHER THAN THAT GENERALLY SHARED BY THE PUBLIC AT LARGE, AND WHO IS NOT OTHERWISE CONSIDERED A PROVIDER UNDER THE PROVISIONS OF THIS ACT. (Section 4.08 of the Act).

"DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH, STATE OF ILLINOIS. (Section 4.09 of the Act).

"DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH, STATE OF ILLINOIS. (Section 4.10 of the Act).

"Dysrhythmia" means a variation from the normal electrical rate and sequences of cardiac activity, also including abnormalities of impulse formation and conduction.

"Effective Radiated Power (ERP)" means the power gain of a transmitting antenna multiplied by the net power accepted by the antenna from the connected transmitter.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

"Electrocardiogram" means a single lead rhythm strip graphic recording of the electrical activity of the heart by a series of deflections which represent certain components of the cardiac cycle.

"EMERGENCY" MEANS A CONDITION OR SITUATION IN WHICH AN INDIVIDUAL DECLARES A NEED FOR IMMEDIATE MEDICAL ATTENTION OR WHEN THAT NEED IS DECLARED BY EMERGENCY MEDICAL PERSONNEL OR A PUBLIC SAFETY OFFICIAL. (Section 4.11 of the Act).

"EMERGENCY MEDICAL SERVICES (EMS) SYSTEM" MEANS AN ORGANIZATION OF PROVIDERS WHICH THROUGH A PROGRAM PLAN SUBMITTED TO AND APPROVED BY THE DEPARTMENT (pursuant to Subpart D of this Part) ENTITLES A HOSPITAL TO UTILIZE QUALIFIED PERSONNEL SPECIFIED IN THE ACT TO PROVIDE OR COORDINATE PRE-HOSPITAL AND INTER-HOSPITAL EMERGENCY CARE AT AN ADVANCED OR INTERMEDIATE LEVEL, TO VICTIMS OF ILLNESS OR INJURY WITHIN THE AREA SPECIFIED IN THE PROGRAM PLAN. ADVANCED OR INTERMEDIATE LEVEL SERVICES MAY INCLUDE THE UTILIZATION OF BLS LEVEL SERVICES. ONE HOSPITAL IN EACH PROGRAM PLAN MUST BE DESIGNATED AS THE RESOURCE HOSPITAL. ALL HOSPITALS AND AMBULANCE PROVIDERS PARTICIPATING IN AN EMS SYSTEM MUST SPECIFY THEIR LEVEL OF PARTICIPATION IN THE PROGRAM PLAN. (Section 4.18 of the Act).

"EMS System Coordinator(s)" means the designated individual(s) responsible to the Project Medical Director and Project Director for coordination of the educational and functional aspects of the System program.

"EMS System Program Plan" means the document prepared by the Resource Hospital and approved by the Department which describes the EMS System program and directs the program's operation (see Subpart D of this Part).

"Emergency Medical Services System Survey" means a questionnaire which provides data to the Department for the purpose of compiling annual reports.

"Emergency Medical Services Vehicle (EMS vehicle)" means any vehicle used for BLS, ILS or ALS, as a special EMS unit or rescue vehicle, operating within an approved EMS System.

"EMERGENCY MEDICAL TECHNICIAN-AMBULANCE" OR "EMT-A" MEANS A PERSON WHO HAS SUCCESSFULLY COMPLETED A COURSE OF INSTRUCTION IN BASIC LIFE SUPPORT SERVICES AS REQUIRED AND IS CURRENTLY CERTIFIED BY THE DEPARTMENT IN ACCORDANCE WITH STANDARDS PRESCRIBED BY THE ACT AND THIS PART, WHO PROVIDES EMERGENCY MEDICAL SERVICES. (Section 4.12 of the Act).



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

"EMERGENCY MEDICAL TECHNICIAN INTERMEDIATE" OR "EMT-I" MEANS AN EMT-A CURRENTLY CERTIFIED BY THE DEPARTMENT WHO HAS COMPLETED A DEPARTMENT APPROVED COURSE OF INSTRUCTION (pursuant to Subpart G) IN ADVANCED LIFE SUPPORT-MOBILE IN SPECIFIC ADVANCED LIFE SUPPORT-MOBILE INTENSIVE CARE SERVICES AND WHO IS CURRENTLY FUNCTIONING IN A PROGRAM APPROVED BY THE DEPARTMENT TO PROVIDE SUCH SERVICES UNDER THE SUPERVISION AND CONTROL OF A PROJECT MEDICAL DIRECTOR. (Section 4.15 of the Act).

"EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC" OR "EMT-P" MEANS A PERSON WHO HAS SUCCESSFULLY COMPLETED A DEPARTMENT APPROVED COURSE OF INSTRUCTION (pursuant to Subpart G) IN ADVANCED LIFE SUPPORT-MOBILE INTENSIVE CARE SERVICES AND IS CURRENTLY CERTIFIED BY THE DEPARTMENT. CANDIDATES FOR EMT-P TRAINING MUST BE SPONSORED BY, EMPLOYED BY, OR SHOW DOCUMENTATION OF FUNCTIONING WITHIN A STATE APPROVED EMS VEHICLE AGENCY PROVIDING ADVANCED LIFE SUPPORT SERVICES. (Section 4.13 of the Act).

"FCC" means the Federal Communications Commission.

"Fixed-wing aircraft" means an engine-driven aircraft that is heavier than air, and is supported in-flight by the dynamic reaction of the air against its wings.

"HEALTH SYSTEMS AGENCY" MEANS A HEALTH SYSTEMS AGENCY AS DEFINED IN 42 USC 300 L-1 (a). (Section 4.14 of the Act).

"Helicopter" or "Rotorcraft" means an aircraft that is capable of vertical take-offs and landings, including maintaining a hover.

"HOSPITAL" HAS THE MEANING ASCRIBED TO IT IN THE HOSPITAL LICENSING ACT (Ill. Rev. Stat. 1987, ch. 111 1/2, par 142 et seq.). (Section 4.04 of the Act).

"Instrument Flight Rules" or "IFR" means the operation of an aircraft in weather minimums below the minimums for flight under visual flight rules (VFR). (See, General Operating and Flight Rules, 14 CFR 91.115 through 91.129).

"INTERMEDIATE LIFE SUPPORT CARE" OR "ILS" MEANS AN INTERMEDIATE LEVEL OF PRE-HOSPITAL AND INTER-HOSPITAL EMERGENCY CARE THAT INCLUDES BLS CARE, PLUS INTRAVENOUS CANNULATION AND FLUID THERAPY, INVASIVE AIRWAY MANAGEMENT, TRAUMA CARE, AND OTHER AUTHORIZED TECHNIQUES AND PROCEDURES INITIATED FOR THE TREATMENT OF REAL OR POTENTIAL ACUTE LIFE-THREATENING CONDITIONS, UNDER THE DIRECTION OF A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN ALL OF ITS BRANCHES OR A REGISTERED PROFESSIONAL NURSE/MICN OR REGISTERED PROFESSIONAL NURSE/FIELD RN, AND WHERE AUTHORIZED BY THE PROJECT MEDICAL DIRECTOR IN A DEPARTMENT APPROVED EMS SYSTEM. (Section 4.19 of the Act).

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

"INTERMEDIATE LIFE SUPPORT SERVICES" MEANS A HOSPITAL PROVIDING, WITH THE APPROVAL OF THE DEPARTMENT (See Subpart D of this Part), PRE-HOSPITAL AND INTER-HOSPITAL EMERGENCY MEDICAL CARE THROUGH THE USE OF INTERMEDIATE LIFE SUPPORT MOBILE INTENSIVE CARE PERSONNEL, EQUIPMENT AND VEHICLES, UNDER THE DIRECTION OF A PROJECT MEDICAL DIRECTOR. (Section 4.20 of the Act).

"Mobile Radio" means a two-way radio installed in an EMS vehicle which may not be readily removed.

"Off-Road Specialized Emergency Medical Services Vehicle" or "Off-Road SEMSV" or "Off-Road SEMS Vehicle" means a motorized cart, golf cart, ATV (all-terrain-vehicle), or amphibious vehicle which is not intended for use on public roads.

"Participating Hospital" means a hospital participating in an approved EMS System in accordance with the EMS System Program Plan, which may or may not have monitoring capabilities and which receives patients transported by System EMS vehicles under the direction of the Project Medical Director or PMD designee. This hospital agrees to replace medical supplies and provide for equipment exchange for participating EMS vehicles.

"Physician" means any person licensed to practice medicine in all of its branches under the Medical Practice Act. (Ill. Rev. Stat. 1987, ch. 111, pars. 4401-1 et seq. as amended by Public Act 85-4).

"Pilot" or "EMS Pilot" means a pilot certified by the Federal Aviation Administration who has been approved by a SEMSV Medical Director to fly a helicopter or fixed-wing aircraft used in a Department-certified SEMSV Program (See Section 535.930(1) of this Part).

"Portable Radio" means a hand-held radio which accompanies the user during the conduct of emergency medical services.

"PRE-HOSPITAL CARE" MEANS THOSE EMERGENCY MEDICAL SERVICES RENDERED TO EMERGENCY PATIENTS FOR ANALYTIC, RESUSCITATIVE, STABILIZING, OR PREVENTIVE PURPOSES, PRECEDENT TO AND DURING TRANSPORTATION OF SUCH PATIENTS TO HOSPITALS. (Section 4.16 of the Act).

"Pre-Hospital Care Provider or System Participant" means an EMT-A, I, P, Ambulance, Ambulance Provider, EMS Vehicle, Associate Hospital, Participating Hospital, EMS System Coordinator, Associate Hospital EMS Coordinator, Associate Hospital EMS Medical Director, Field RN, MICN or Physician serving on an ambulance or giving voice orders over an EMS System and is subject to suspension by the Project Medical Director of that System in accordance with the policies of the EMS System Program Plan approved by the Department.



## NOTICE OF PROPOSED AMENDMENTS

"Project Director" means the administrator, appointed by the Resource Hospital with the approval of the Project Medical Director, responsible for the administration of the EMS System.

"Project Medical Director" or "PMD" means the physician appointed by the Resource Hospital who has the responsibility and authority for total management of the EMS System. (See Sections 535.210(h) and 535.230(a) of this Part).

"REGISTERED PROFESSIONAL NURSE/FIELD RN" MEANS A REGISTERED NURSE, LICENSED UNDER "THE ILLINOIS NURSING ACT", AS AMENDED, (Ill. Rev. Stat. 1987, ch. 111, pars. 3501 et seq.) WHO HAS BEEN APPROVED BY THE PROJECT MEDICAL DIRECTOR IN A DEPARTMENT-APPROVED EMS SYSTEM, AND WHO HAS SATISFACTORILY COMPLETED ADDITIONAL SUPPLEMENTARY TRAINING INCLUDING BUT NOT LIMITED TO COURSES IN EXTRICATION, TELEMETRY AND COMMUNICATIONS, ADVANCED CARDIAC LIFE SUPPORT, INCLUDING DEBRILLATION AND INTUBATION OR ITS EQUIVALENT, AND EITHER TRAUMA NURSE SPECIALIST OR NURSE TRAUMA LIFE SUPPORT OR THEIR EQUIVALENTS AS APPROVED BY THE PROJECT MEDICAL DIRECTOR (Section 4.21 of the Act).

"REGISTER PROFESSIONAL NURSE/MICN" OR "Mobile Intensive Care Nurse" MEANS A REGISTERED NURSE, LICENSED UNDER "THE ILLINOIS NURSING ACT," AS AMENDED, (Ill. Rev. Stat. 1987, ch. 111, pars. 3501 et seq.), WHO HAS SATISFACTORILY COMPLETED THE MOBILE INTENSIVE CARE NURSE COURSE, INCLUDING TRAINING IN TELEMETRY AND COMMUNICATION, ADVANCE CARDIAC LIFE SUPPORT, AND A PRE-HOSPITAL TRAUMA SUPPORT COURSE OR ITS EQUIVALENT, AS APPROVED BY THE DEPARTMENT. (Section 4.21(a) of the Act).

"Registered Nurse" or "Registered Professional Nurse" or "RN" means a person who is licensed as a professional nurse under The Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1987 ch. 111, pars. 3501 et seq.)

"Resource Hospital" means the hospital with the authority and the responsibility for an EMS System as outlined in the Department-approved EMS System Program Plan (See Subpart D of this Part). The Resource Hospital, through the Project Medical Director, assumes responsibility for the entire program including the clinical aspects, operations and educational programs. This hospital agrees to replace medical supplies and provide for equipment exchange for participating EMS vehicles.

"SEMSV Medical Control Point" or "Medical Control Point" means the communication center from which the SEMSV Medical Director or his or her designee issues medical instructions or advice to the aeromedical, watercraft, or off-road SEMSV crew members.

"SEMSV Medical Director" or "Medical Director" means the physician

## NOTICE OF PROPOSED AMENDMENTS

appointed by the SEMSV Program who has the responsibility and authority for total management of the SEMSV Program, subject to the requirements of the EMS System of which the SEMSV Program is a part (See Section 535.920(e) of this Part).

"SEMSV Program" or "Specialized Emergency Medical Services Vehicle Program" means a program operating within an EMS System, pursuant to a program plan submitted to and certified by the Department, utilizing specialized emergency medical services vehicles to provide emergency transportation to sick or injured persons.

"SPECIALIZED EMERGENCY MEDICAL SERVICES VEHICLE" OR "SEMSV" MEANS A VEHICLE OR CONVEYANCE, OTHER THAN THOSE OWNED OR OPERATED BY THE FEDERAL GOVERNMENT THAT IS PRIMARILY INTENDED FOR USE IN TRANSPORTING THE SICK OR INJURED BY MEANS OF AIR, WATER, OR GROUND TRANSPORTATION, THAT IS NOT AN AMBULANCE AS DEFINED IN THE ACT. THE TERM INCLUDES WATERCRAFT, AIRCRAFT AND SPECIAL PURPOSE GROUND TRANSPORT VEHICLES NOT INTENDED FOR USE ON PUBLIC ROADS (Section 4.30 of the Act). "Primarily intended" for the purposes of this definition, means one or more of the following:

Over fifty (50) percent (%) of the vehicle's operational (e.g. in-flight) hours are devoted to the emergency transportation of the sick or injured.

The vehicle is owned or leased by a hospital or ambulance provider and is utilized for the emergency transportation of the sick or injured.

The vehicle is advertised as a vehicle for the emergency transportation of the sick or injured.

The vehicle is owned, registered or licensed in another State and is utilized on a regular basis to pick up and transport the sick or injured within or from within this State, or

The vehicle's structure or permanent fixtures have been specifically designed to accommodate the emergency transportation of the sick or injured.

"STATE EMERGENCY MEDICAL SERVICES DISCIPLINARY REVIEW BOARD" MEANS A FIVE-MEMBER BOARD APPOINTED BY THE GOVERNOR TO REVIEW AND AFFIRM, REVERSE OR MODIFY THE DECISION OF A LOCAL SYSTEM REVIEW BOARD TO AFFIRM OR REVERSE A PROJECT MEDICAL DIRECTOR'S ORDER TO SUSPEND AN INDIVIDUAL OR INDIVIDUAL PROVIDER FROM PARTICIPATION WITHIN AN EMS SYSTEM (Section 10.2 of the Act) (See Sections 535.265 and 535.270 of this Part).



## ILLINOIS REGISTER

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

"System Participation Suspension" means the suspension from participation within an EMS system of an individual or individual provider, as specifically ordered by that System's Project Medical Director.

"System Review Board" or "Board" means a panel of individuals assembled within an EMS System for the purpose of reviewing a decision by the Project Medical Director to suspend from participation an individual or individual provider participating within that System. The Board shall consist of four (4) voting members and a chairperson who shall vote only in the event of a tie. The Project Medical Director shall appoint as two (2) standing members of the Board, the System Project Director or designee and an emergency room physician from within the System who is not the Project Medical Director. The remaining two (2) voting members and chairperson shall be selected by the suspended participant from a list provided by the Project Medical Director. That list shall consist of the names of six (6) providers from within the System who are in the same provider category and level as the suspended participant. If the suspended participant is a provider in a category or level which consists of less than six (6) providers, the suspended participant may choose the two (2) voting members and chairperson from any of the System's provider lists.

"Telecommunications Equipment" means a radio capable of transmitting and/or receiving voice and electrocardiogram (EKG) signals.

"Telemetry" means the transmission of data by wire, radio, or other means from remote sources to a receiving station for recording and analysis.

"Unit Identifier" is a number assigned by the Department for each EMS vehicle in the State to be used in radio communications.

"Watercraft" means a nautical vessel, boat, aircraft, hovercraft or other vehicle that operates in, on or across water.

"911" means an emergency answer and response system in which the caller need only dial 9-1-1 on a telephone to obtain emergency services including police, fire, medical ambulance and rescue.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 535.20 Incorporated Materials

The following regulations, standards and statutes are incorporated or referenced in this Part.

## ILLINOIS REGISTER

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

## a) Federal guidelines, statutes and regulations:

- 1) U.S. Code 42, The Public Health and Welfare, 42 USC 300 L-1(a). (See Section 535.100).
- 2) Federal Specification for Ambulance, KKK-A-1822B (1985). (See Section 535.150).
- 3) Emergency Medical Technician-Ambulance: National Standard Curriculum (1984). (See Sections 535.300(c) and (h); 535.310(a); 535.400(c) and (h); 535.410(a); 535.420(a) and (b); 535.500(c) and (e); 535.510(a) and (d) and 535.530(d)).
- 4) 47 CFR 90 (1988) (Section 535.60(a))
- 5) Air Taxi Operations and Commercial Operators (14 CFR 135, 1988, Subparts A, Sections 135.1 through 135.43, B, Sections 135.61 through 135.125, C, Sections 135.141 through 135.185, D, Sections 135.201 through 135.229, E, Sections 135.241 through 135.247, F, Section 135.261, J, Sections 135.411 through 135.443.)

## b) State of Illinois Statutes:

- 1) Emergency Medical Treatment Act, (111. Rev. Stat. 1987, Ch. 111 1/2, par. 86). (See Section 535.10). "AN ACT requiring hospitals to render hospital-emergency-services-in-case-of-injury-or-acute-medical-condition-and-implement-emergency-hospital-medical-and-surgical-services-on-a-community-or-area-wide-basis"-(111. Rev. Stat. 1987, ch. 111 1/2, par. 86-et-seq.)--(See Section 535.10).
- 2) Hospital Licensing Act, (111. Rev. Stat. 1987, ch. 111 1/2, par. 142 et seq.). (See Section 535.10).
- 3) Medical Practice Act of 1987, (111. Rev. Stat. 1987, ch. 111, par. 4400-1 4401 et seq.). (See Section 535.10).
- 4) The Illinois Nursing Act of 1987, (111. Rev. Stat. 1987, ch. 111, par. 3501 et seq.). (See Section 535.10).
- 5) Code of Civil Procedure (111. Rev. Stat. 1987, ch. 110, par. 3-2101 et seq.). (See Section 535.700(g)).

## c) State of Illinois Regulations

- 1) Rules of Practice and Procedure for Administrative Hearings (77 Ill. Adm. Code 100). (See Sections 535.140(d) and 535.250(g)).



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 2) Hospital Licensing Requirements (77 Ill. Adm. Code 250). (See Sections 535.10, 535.200(d) and 535.210(e)).

- d) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART M: CERTIFICATION OF SPECIALIZED EMERGENCY MEDICAL SERVICES VEHICLE (SEMSV) PROGRAMS

Section 535.900 Certification of SEMSV Programs - General

- a) No person, either as owner, agent, or otherwise shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in the provision of emergency medical care or transportation to a sick or injured patient using a Specialized Emergency Medical Services Vehicle (SEMSV), unless currently certified by the Department pursuant to Subpart J of this Part, or the SEMSV is owned, operated, licensed or regulated by a unit of local government.

- b) An application for certification shall be filed with the Department by submitting a Program Plan which includes the information required in this Part. The Program Plan shall be signed by the SEMSV Medical Director and the Project Medical Director of the EMS System of which the SEMSV Program is a part (See Section 535.920(a) of this Part).

- c) Each certification shall be valid for a period of one (1) year from the date of issuance, unless suspended or revoked.

- d) Each certification shall be issued to the program named in the application for the specific vehicle(s) identified in the application, and shall not be assignable or transferable.

- e) An application for renewal of certification shall be filed with the Department at least thirty (30) days prior to the expiration date, on a form prepared and furnished by the Department. The renewal application shall be accompanied by photocopies of any current licenses or certificates required of SEMSV personnel by the provisions of this Part (See Sections 535.920(e), 535.931, 535.932(a) of this Part), and verification that SEMSV personnel continuing education required by the provisions of this Part have been met (See Section 535.930(d) of this Part). Each renewed certificate shall be valid for a period of one (1) year from the date of issuance, unless suspended or revoked.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- f) The Department shall inspect any vehicles, equipment, records or other documents covered by the certified or applicant SEMSV program at least annually to determine initial or continued compliance with the requirements of the Act or this Part.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 535.910 Denial, Nonrenewal, Suspension or Revocation of Certification

- a) The Department, after notice and an opportunity for hearing, shall deny an application for certification or renewal, or revoke a certification when the applicant or certificate holder has failed to meet or has violated any of the requirements of the Act or this Part, or any SEMSV personnel, during the provision of emergency services, engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public, such as not meeting the requirements of this Act, charging for services or equipment not provided or used, or utilizing unqualified personnel.
- b) All hearings shall be governed by the Department's Rules of Practice and Procedures for Administrative Hearings (77 Ill. Adm. Code 100). Upon receipt of a notice to deny, nonrenew, suspend or revoke, the applicant or certificate holder shall have ten (10) business days in which to request such a hearing.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 535.920 SEMSV Program Certification Requirements for All Vehicles

- a) The SEMSV program shall be part of a Department-approved EMS System.
- b) The SEMSV program shall meet and comply with all State and Federal requirements governing the specific vehicles employed in the program (See Sections 535.933(a) and 535.942(a) of this Part).

- c) The SEMSV program shall comply with this Part during its hours of operation. The SEMSV program shall operate twenty-four (24) hours per day, every day of the year, except when weather conditions are unsafe, the service is committed to another medical emergency request, or is unavailable due to maintenance requirements.

- d) The SEMSV program shall provide pre-hospital emergency services within its service area on a per need basis without regard to the patient's ability to pay for such service. (See Subpart C: Licensure of Ambulances, Section 535.150, subpart g, 2).

- e) The SEMSV program shall be supervised and managed by a Medical



Director, who shall be a physician who has met at least the following requirements:

- 1) One or more of the following:
  - A) Board certification by the American Board of Emergency Medicine.
  - B) Completion of twelve (12) months of internship, followed by sixty (60) months plus seven thousand (7000) hours of hospital based Emergency Medicine (two thousand eight hundred (2800) of the seven thousand (7000) hours must be completed within one twenty-four (24) month period), and fifty (50) hours of continuing medical education in Emergency Medicine for each complete year of practice.
  - C) Completion of residency in Emergency Medicine in a residency program approved by the Residency Review Committee for Emergency Medicine.
  - D) Board certified or prepared in Internal Medicine.
  - E) Board certified or prepared in General Surgery.
- 2) Training and experience in advanced cardiac life support, such as the American Academy of Emergency Physicians' ACLS course.
- 3) Training and experience in advanced trauma life support, such as the American Academy of Emergency Physicians' ATLS course.
- 4) In programs utilizing air vehicles.
  - A) Experience and knowledge in inflight treatment modalities.
  - B) Experience and knowledge in altitude physiology.
  - C) Experience and knowledge in infection control as it relates to airborne and intra facility transportation, and
  - D) Experience and knowledge in stress management techniques.
- 5) In programs utilizing watercraft.
  - A) Experience and knowledge in drowning (cold, warm, fresh, and salt water), and
  - B) Experience and knowledge in diving accident physiology and treatment.

(Source: Added at 13 Ill.Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 535.930 Helicopter and Fixed-wing Aircraft Requirements

In addition to the requirements specified in Sections 535.900 and 535.920 of this Part, a SEMSV Program utilizing helicopters or fixed-wing aircraft shall submit a Program Plan which includes the following:

- a) Documentation of the Medical Director's credentials as required by Section 535.920(e) of this Part, and a statement signed by the Medical Director containing his or her commitment to the following duties and responsibilities:
  - 1) The supervision and management of the program.
  - 2) Supervising and evaluating the quality of patient care provided by the aeromedical crew.
  - 3) Developing written treatment protocols and standard operating procedures to be used by the aeromedical crew during flight.
  - 4) Developing and approving a list of equipment and drugs to be available on the SEMSV during patient transfer.
  - 5) Providing periodic review, at least monthly, of patient care provided by the aeromedical crew.
  - 6) Providing for the continuing education of the aeromedical team.
  - 7) Providing medical advice/expertise on the utilization, need, and special requirements of aeromedical transfer.
  - 8) Assuring the qualifications of the aeromedical crew.
  - 9) Notifying the Department when the primary SEMSV is unavailable in excess of 24 hours, stating the reason for unavailability, the expected date of return to service, and the provisions made, if any, for replacement vehicles, and
  - 10) Assuring appropriate staffing of the SEMSV, with a minimum of one (1) EMS pilot and one (1) aeromedical crew member. Two (2) EMS pilots shall be used for fixed-wing aircraft or helicopters requiring such staffing. Additional aeromedical personnel may be required at the discretion of the SEMSV Medical Director. The Medical Director shall provide the Department with a list of all approved pilots and aeromedical crew members, and shall update the list whenever a change in such personnel is made.



## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

- b) The SEMSV Medical Director's list of required medical equipment and drugs for use on the aircraft (See subsection (1) of this Section).
- c) The SEMSV Medical Director's treatment protocols and standard operating procedures.
- d) The curriculum and requirements for orientation and training, including mandatory continuing education for all aeromedical crewmembers consisting of at least sixteen (16) hours in specialized aeromedical transportation topics, eight (8) hours of which may include quality assurance reviews.
- e) A description of the communications system accessing the aeromedical dispatch center, the medical control point, receiving and referring agencies (See, subsection (n) of this Section).
- f) A description and map of the service area for each vehicle.
- g) A description of the EMS System's method of providing emergency medical services utilizing the SEMSV Program.
- h) The identification number and description of all vehicles used in the program.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 535.931 EMS Pilots

- a) EMS Pilot approval for helicopters and fixed-wing aircraft shall be valid for a period of one year and may be renewed by the Medical Director if the pilot has completed renewal training, which shall include but is not limited to the requirements of Sections 535.931(b)(1) and (5)(i) through (viii) or 535.931(c)(1) and (3)(i) through (vi) of this Part.
- 1) For helicopter programs only:
- A) Three (3) EMS pilots per helicopter, excluding relief support, shall be dedicated to the SEMSV program.
- B) An EMS pilot assigned to SEMSV duty shall be physically present at the aircraft base in order to assure timely response.
- C) An EMS pilot assigned to SEMSV duty shall be provided with work space to carry out assigned duties. In the event that duty time exceeds twelve (12) continuous hours, quarters shall be provided to assure physical rest.

2) For fixed-wing programs only:

- A) One EMS pilot per aircraft who will respond within one-half (1/2) hour from the receipt of the request.

b) Each EMS pilot assigned to a helicopter shall be approved by the Medical Director and shall meet the following requirements:

- 1) Compliance with subparts E and F of Air Taxi Operations and Commercial Operators (14 CFR 135).
- 2) A minimum of two thousand (2000) rotorcraft flight hours as pilot-in-command, twenty-five (25) hours of which shall be in the type of aircraft utilized in the SEMSV program.
- 3) A minimum of five (5) hours day/night area flight orientation and, at the discretion of the SEMSV Medical Director, special terrain flight orientation.
- 4) Instrument Flight Rules (IFR) certification by the Federal Aviation Administration (IFR Currency is recommended).
- 5) Completion of training which includes but is not limited to the following:
  - i) Judgment and decision making.
  - ii) Local routine operating procedures, including day and night operations.
  - iii) Flight by reference to instruments, including Intermittent Meteorological Conditions (IMC) recovery.
  - iv) Regional area weather phenomena.
  - v) Area terrain hazards.
  - vi) Scene procedures.
  - vii) EMS System and SEMSV Program communications requirements.
  - viii) Orientation to each hospital/pre-hospital health care system affiliated with the SEMSV Program.

c) Each pilot assigned to a fixed-wing aircraft shall be approved by the Medical Director and shall meet the following requirements:

- 1) Compliance with subparts E and F of Air Taxi Operations and Commercial Operators (14 CFR 135).
- 2) The pilot shall have a commercial pilot certificate with a minimum of two thousand (2000) flight hours as pilot-in-command and an airplane multi-engine land instrument rating, with a minimum of two hundred fifty (250) hours of instrument flying time, to include no more than one hundred twenty five (125)



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

hours of simulated time and one hundred (100) night flight hours.

- 3) Completion of training which includes but is not limited to the following:

- i) Judgment and decision making.
- ii) Local routine operating procedures, including day and night operations.
- iii) Flight by reference to instruments, including Intermittent Meteorological Conditions (IMC) recovery.
- iv) Regional area weather phenomena.
- v) Area terrain hazards.
- vi) EMS System and SEMSV Program communications requirements.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 535.932 Aeromedical Crew Members

- a) Except as provided for by subsection (b) of this Section, each aeromedical crew member assigned to a helicopter or fixed-wing aircraft shall be approved by the Medical Director and shall meet the following requirements:

- 1) Be an EMT-P, registered nurse or a physician licensed to practice medicine in all of its branches.

- 2) Completion of training which includes but is not limited to the following:

- i) Advanced life support.
- ii) Cardiac emergencies.
- iii) Traumatic emergencies.
- iv) Pediatric emergencies.
- v) Obstetrical emergencies.
- vi) Neonatal emergencies.
- vii) Psychiatric emergencies.
- viii) Crisis intervention.
- ix) Infection control.
- x) Altitude physiology.
- xi) Advanced surgical and airway management techniques.
- xii) Environmental emergencies.
- xiii) Flight safety.
- xiv) Aircraft emergencies.
- xv) Radio communications.
- xvi) Rescue and survival techniques.
- xvii) Record keeping.
- xviii) Legal aspects.

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

- 3) Yearly completion of the continuing education requirements as described in Section 535.930 (d) of this Part.

- b) In addition to at least one (1) aeromedical crew member who has met the requirements of subsection (j)(1) of this Section, the Medical Director may approve and assign additional crew members to a helicopter or fixed-wing aircraft. Such additional crew members shall meet the following requirements:

- 1) Completion of training which includes but is not limited to the following:

- i) General patient care in-flight.
- ii) Aircraft emergencies.
- iii) Flight safety.
- iv) EMS System and SEMSV Program communications.
- v) Use of all patient care equipment, and
- vi) Rescue and survival techniques.

- 2) Yearly completion of the continuing education requirements as described in Section 535.930 (d) of this Part.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 535.933 Vehicle Specifications and Operation

- a) All vehicles shall meet the requirements of subparts A, B, C, and D of Air Taxi Operations and Commercial Operators (14 CFR 135).

- b) All vehicles shall have communication equipment to permit both internal crew and air-to-ground exchange of information between individuals and agencies appropriate to any mission, including at least those involved in SEMSV medical control within the EMS System, the flight operations center, air traffic control, and law enforcement agencies.

- c) All vehicles shall be designed to allow the loading and unloading of the patient without rotating the patient more than thirty (30) degrees along the longitudinal axis or forty-five (45) degrees along the lateral axis.

- d) All vehicles shall be climate controlled to prevent temperature extremes that would adversely affect patient care.

- e) All vehicles shall have interior lighting, to permit patient care to be given and patient status to be monitored without interfering with the pilot's vision.



## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

- f) All vehicles shall carry survival equipment including but not limited to:
- 1) Two (2) sources of heat or fire.
  - 2) Two (2) forms of signaling device.
  - 3) Equipment to provide shelter, blanket, nylon cord, adhesive tape.
  - 4) Knife and fishing kit, and
  - 5) Food and water supply.
- g) All patients shall be restrained to the helicopter or fixed-wing aircraft litter in order to assure the safety of the patient and crew.
- h) For helicopter programs:
- 1) There shall be at least one (1) single-engine aircraft.
  - 2) Each vehicle shall be staffed with at least one (1) EMS pilot who is certified for Visual Flight Rules (VFR) operations, and at least one (1) aeromedical crew member.
  - 3) Each vehicle shall be equipped with flight reference instruments to allow recovery from inadvertent IFR situations.
  - 4) Each vehicle shall be equipped with a searchlight pivoting at least one hundred eighty (180) degrees horizontal and ninety (90) degrees vertical, controlled by the pilot without removing hands from the flight controls.
  - 5) The cockpit shall be isolated, by a protective barrier, to minimize inflight distraction or interference.
  - 6) All medical equipment, supplies and personnel shall be secured and/or restrained.
- i) For fixed-wing aircraft programs:
- 1) There shall be at least one (1) twin-engine aircraft.
  - 2) Each vehicle shall be staffed with at least one (1) EMS pilot, and at least one (1) aeromedical crew member.
  - 3) The aircraft shall be Instrument Flight Rules (IFR) equipped and certified.

- 4) All equipment, litters/stretchers and seating shall be arranged so as not to block rapid egress by personnel or patient from the aircraft and affixed or secured in approved racks, compartments or by strap restraint.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 535.934 Medical Equipment and Drugs

- a) Each helicopter or fixed-wing aircraft shall be equipped with medical equipment and drugs which are appropriate for the various types of missions to which it will be responding, as specified by the SEMSV Medical Director.
- b) These supplies shall include, but need not be limited to:
- 1) Cardiac monitor and defibrillator with adult and pediatric paddles and appropriate accessories.
  - 2) Oxygen masks in adult, child and infant sizes.
  - 3) Oxygen valve key.
  - 4) Oxygen connective/extension tubing.
  - 5) Nasal cannulas, medium and small.
  - 6) Non-rebreathing mask.
  - 7) Oxygen regulator.
  - 8) Oxygen flowmeter, capable of providing 1 thru 15 l/min. flow.
  - 9) Oxygen outlet or tank, size E or H.
  - 10) Endotracheal tubes, sizes 5, 6, 7, 8 cuffed, and 2, 3, 4 uncuffed.
  - 11) Magill forceps.
  - 12) Laryngoscope, with adult, child and infant blades, both curved and straight.
  - 13) Bag-valve-mask with a reservoir system.
  - 14) Portable suction device, able to provide a vacuum of 300 mm Hg through a shatterproof catchment container for a minimum of twenty minutes.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 15) Suction outlet.
- 16) Set of oropharyngeal/nasopharyngeal airways for adults, children and infants.
- 17) Suction catheters, flexible, set of sizes 6fr, 14fr and 18fr.
- 18) Suction catheter, rigid.
- 19) Suction connective tubing.
- 20) Suction rinsing bottle, shatterproof.
- 21) Burn sheets.
- 22) Trauma dressings, sterile.
- 23) 4x4 sterile dressings.
- 24) Tape, adhesive, 1" rolls.
- 25) Tape, paper, adhesive, 1" rolls.
- 26) Bandage, gauze, roller soft sterile 2x4" rolls.
- 27) Bandage, elastic, 2x6", non-sterile rolls.
- 28) Alcohol preps, disposable.
- 29) Providone Iodine.
- 30) Sterile petroleum gauze dressing.
- 31) Gloves, latex.
- 32) Eye patches, sterile.
- 33) Air-sick bags.
- 34) Cutting shears with protective tip.
- 35) Board, spinal immobilization device, long.
- 36) Traction splint.
- 37) Cervical collar, rigid, adult and child.
- 38) Lateral cervical stabilization devices.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 39) Stethoscope with bell and diaphragm.
- 40) Blood pressure cuffs, adult and pediatric.
- 41) Sphygmomanometer.
- 42) Childbirth kit, emergency, disposable, sterile.
- 43) Flashlight.
- 44) Blanket.
- 45) Sheet, non-sterile.
- 46) Sheet, sterile.
- 47) Pneumatic counterpressure trouser kit, adult and child.
- 48) Catheter over needle sets, indwelling IV, 14, 16, 18, 20, 22 gauge, each.
- 49) Needles, 18, 20 gauge each.
- 50) Syringe, tuberculin, 1 cc..
- 51) Syringes, 3, 10, 20, 35 cc., each.
- 52) Dextrose, 5% in water.
- 53) Dextrose, 5%, 1/4 Normal Saline.
- 54) Lactated ringers solution, 1000cc..
- 55) Normal Saline, 1000cc..
- 56) Water, sterile, for injection.
- 57) Intravenous administration set, minidrip.
- 58) Intravenous administration set, standard.
- 59) IV infusion pump.
- 60) Pressure Infusor.
- 61) Atropine sulfate, 1mg. ampules.
- 62) Dextrose, 50%, 25gm ampules.



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

- 63) Epinephrine, 1mg, 1:10,000 ampules.
- 64) Epinephrine, 1mg, 1:1000 ampules.
- 65) Naloxone, 2mg, ampules.
- 66) Nitroglycerin sublingual tablets, 1/150 grain.
- 67) Sodium Bicarbonate, 50 mEq ampules.
- 68) Lidocaine HCL 100 mgm/5cc.
- 69) Lidocaine HCL 1 Gm vial or premix solution of 4 mgm/ml.

(Source: Added at 13 Ill.Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 535.935 Vehicle Maintenance

a) For helicopter programs:

- 1) The maintenance program shall meet the requirements of subpart J of Air Taxi Operations and Commercial Operators (14 CFR 135).
- 2) One (1) certified A & P (airframe and power plant) mechanic with two (2) years experience for each helicopter shall be available and dedicated to the program twenty-four (24) hours per day.
- 3) Mechanics shall have completed factory-provided training for the makes and models of aircraft utilized in the SEMSV program.
- 4) Back-up maintenance support shall be available when the primary mechanic is unavailable or during times of extensive maintenance needs.
- 5) Hangar facilities shall be available for major maintenance activities. These facilities need not be located at the base of operations.
- 6) Progressive maintenance on aircraft utilized by the SEMSV program is recommended, including routine daily inspections, as required by the aircraft manufacturer.

b) For fixed-wing aircraft programs:

- 1) The maintenance program shall meet the requirements of subpart J of Air Taxi Operations and Commercial Operators (14 CFR 135).
- 2) Mechanics shall be certified A & P (airframe and powerplant)

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

- with two (2) years experience, and shall have completed training for the make and model of aircraft utilized by the SEMSV Program.
- 3) Hangar facilities shall be available for major maintenance activities.
- 4) Progressive maintenance on aircraft utilized by the SEMSV program is recommended, including routine daily inspections, as required by the aircraft manufacturer.

(Source: Added at 13 Ill.Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 535.936 Communications and Dispatch Center

- a) The SEMSV program shall have a designated person assigned and available twenty-four (24) hours per day every day of the year to receive and dispatch all requests for aeromedical services. For fixed-wing aircraft programs, a telephone answering service may be used.
- b) The dispatch center shall have at least one dedicated telephone number for the SEMSV program.
- c) A pre-arranged emergency plan shall be in place to cover situations in which an aircraft is overdue, radio communication cannot be established, or an aircraft location cannot be verified.
- d) A back-up power source shall be available for all communications equipment utilized at the SEMSV medical control point.
- e) In addition, for helicopter programs:
  - 1) The dispatch center shall have the capability to communicate with the aircraft pilot and aeromedical crew for non-medical purposes on a separate designated frequency.
- 2) Continuous flight following every fifteen minutes shall be maintained and documented.

(Source: Added at 13 Ill.Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 535.940 Watercraft Requirements

In addition to the requirements specified in Sections 535.900 and 535.920 of this Part, a SEMSV Program utilizing watercraft shall submit a program plan which includes the following:



## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

a) Documentation of the Medical Director's credentials as required by Section 535.920(e) of this Part, and a statement signed by the Medical Director containing his or her commitment to the following duties and responsibilities:

- 1) The supervision and management of the program.
- 2) Supervising and evaluating the quality of patient care provided by the watercraft crew.
- 3) Developing written treatment protocols and standard operating procedures to be used by the watercraft crew during vehicle operation.
- 4) Developing and approving a list of equipment and drugs to be available on the SEMSV during patient transfer.
- 5) Providing periodic review, at least quarterly, of patient care provided by the watercraft crew.
- 6) Providing medical advice/expertise on the utilization, need, and special requirements of watercraft transfer.
- 7) Assuring the qualifications of the watercraft crew.
- 8) Assuring appropriate staffing of the SEMSV:

- A) Each watercraft crew member assigned to a watercraft shall be approved by the Medical Director, who shall provide the Department with a list of all approved crew members and watercraft operators and update the list whenever a change in such personnel is made.
- B) For Advanced Life Support (ALS) operations, the watercraft shall be staffed by a crew of at least one (1) EMT-P, registered nurse or physician, and one (1) other EMT, registered nurse or physician, in addition to the watercraft operator.
- C) For Basic Life Support (BLS) operations, the watercraft shall be staffed by a crew of at least two (2) EMTs, registered nurses or physicians, one (1) of whom may also be the watercraft operator.
- D) Except as provided for by subsection (a)(8)(E) of this Section, each watercraft crew member shall have completed training which includes but is not limited to the following:

- i) Advanced life support.
- ii) Cardiac support.
- iii) Traumatic emergencies.
- iv) Pediatric emergencies.
- v) Psychiatric emergencies.
- vi) Crisis intervention.
- vii) Infection control.
- viii) Advanced surgical and airway management techniques.
- ix) Environmental emergencies.
- x) Radio communications.
- xi) Rescue and survival techniques.
- xii) Record keeping.
- xiii) Legal aspects.
- xiv) Certification in Advanced Life Saving by the American Red Cross.
- xv) Completion of a boat safety course conducted pursuant to Section 5-18 of the Boat Registration and Safety Act (Ill.Rev.Stat. 1987, ch. 95 1/2, par. 315-13).

E) In addition to at least two (2) watercraft crew members who have met the requirements of subsections (a)(8)(B) through (D) of this Section, the Medical Director may approve and assign additional watercraft crew members to a watercraft. Such additional watercraft crew members shall have completed training which includes but is not limited to the following:

- i) General patient care.
- ii) Watercraft emergencies.
- iii) Completion of a boat safety course conducted pursuant to Section 5-18 of the Boat Registration and Safety Act (Ill.Rev.Stat. 1987, ch. 95 1/2, par. 315-13).
- iv) EMS System and SEMSV Program communications.
- v) Use of all patient care equipment.
- vi) Rescue and survival techniques.
- vii) Certification in Advanced Life Saving by the American Red Cross.

F) Watercraft operators shall be at least twenty one (21) years of age, and shall meet the following requirements:

- i) Certification in Advanced Life Saving by the American Red Cross.
- ii) Completion of a boat safety course conducted pursuant to Section 5-18 of the Boat Registration and Safety Act (Ill.Rev.Stat. 1987, ch. 95 1/2, par. 315-13).

b) The SEMSV Medical Director's list of required medical equipment and drugs for use on the watercraft (See Section 535.942).



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

- c) The SEMSV Medical Director's standing orders (treatment protocols, standard operating procedures).
- d) A description of the communications system linking the watercraft with the SEMSV medical control point.
- e) A description of the EMS System's method of providing emergency medical services utilizing the SEMSV Program.
- f) A description and map of the service area for each vehicle.
- g) The identification number and description of all vehicles used in the Program.

(Source: Added at 13 Ill.Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 535.941 Vehicle Specifications and Operation

- a) All watercraft shall meet the requirements of Sections 4-1 through 4-10 of the Boat Registration and Safety Act (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 314-1 through 314-10).
- b) All watercraft shall carry equipment including but not limited to the following:
  - 1) One (1) anchor with line attached that is three times the maximum depth of water in the areas of usual operation.
  - 2) Two (2) docking fenders.
  - 3) Two (2) mooring lines.
  - 4) Self or mechanical bailer.
  - 5) Search light with a minimum of two hundred thousand (200,000) candle power.
  - 6) Swim harness attached to seventy-five (75) feet of tethering line.
  - 7) Waterproof flashlight, six volt minimum.
  - 8) Basic tool kit, to include at least:
    - A) Wrench, twelve (12) inch with adjustable open end.
    - B) Screw driver, twelve (12) inch with straight blade.

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

- c) Locking pliers, minimum length, ten (10) inches.
- 9) One (1) life jacket for each member of the watercraft crew and two (2) extra adult life jackets.
- 10) Two (2) child life jackets.
- 11) Knife, six (6) inch blade, with sheath.
- 12) Boat hook, extendable to at least ten (10) feet.
- 13) A locking mechanism to secure a stretcher or litter below the gunwhale level.
- 14) For watercraft operating on Lake Michigan:
  - A) A UHF/FM marine radio with at least twenty-five (25) watts of power.
  - B) Loran Navigational Aid.
  - C) Navigational charts for service area and navigational aids, including compass.
  - D) Speed capability of twenty (20) knots per hour.
- c) All watercraft shall have appropriate communication equipment to assure exchange of information between individuals and agencies appropriate to the mission, including at least those involved at the SEMSV medical control point within the EMS System, and law enforcement agencies.

(Source: Added at 13 Ill.Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 535.942 Medical Equipment and Drugs

- a) Each watercraft shall be equipped with medical equipment and drugs which are appropriate for the various types of missions to which it will be responding, as specified by the SEMSV Medical Director.
- b) For Advanced Life Support (ALS) operations, these supplies shall include, but need not be limited to:
  - 1) One (1) telemetry radio for voice and electrocardiogram transmission/communication between the watercraft and the SEMSV medical control point.
  - 2) Cardiac monitor and defibrillator with adult and pediatric



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

paddles and appropriate accessories.

- 3) Oxygen masks in adult, child and infant sizes.
- 4) Oxygen valve key.
- 5) Oxygen connective/extension tubing.
- 6) Nasal cannulas, medium and small.
- 7) Non-rebreathing mask.
- 8) Oxygen regulator.
- 9) Oxygen flowmeter, capable of providing 1 thru 15 l/min flow.
- 10) Oxygen outlet or tank, size D, E or H.
- 11) Bag-valve-mask with a reservoir system.
- 12) Portable suction device, able to provide a vacuum of 300 mm Hg through a shatterproof catchment container for a minimum of twenty minutes.
- 13) Set of oropharyngeal/nasopharyngeal airways for adults, children and infants.
- 14) Suction catheters, flexible, set of sizes 6fr, 14fr and 18fr.
- 15) Suction catheter, rigid.
- 16) Suction connective tubing.
- 17) Suction rinsing bottle, shatterproof.
- 18) Trauma dressings, sterile.
- 19) 4x4 sterile dressings.
- 20) Tape, adhesive, 1" rolls.
- 21) Tape, paper, adhesive, 1" rolls.
- 22) Bandage, gauze, roller soft sterile 2x4" rolls.
- 23) Bandage, elastic, 2x6", non-sterile rolls.
- 24) Alcohol preps, disposable.

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

- 25) Providone Iodine.
- 26) Sterile petroleum gauze dressing.
- 27) Gloves, latex.
- 28) Eye patches, sterile.
- 29) Cutting shears with protective tip.
- 30) Board, long spine with three straps, compatible with basket litter.
- 31) Traction splint.
- 32) Floatable cervical immobilization device, adult and child, with reflective material.
- 33) Basket litter with floatation device which shall automatically float the patient head and face up.
- 34) Stethoscope with bell and diaphragm.
- 35) Blood pressure cuffs, adult and pediatric.
- 36) Sphygmomanometer.
- 37) Blanket.
- 38) Sheet, non-sterile.
- 39) Pneumatic counterpressure trouser kit, adult and child.
- 40) Catheter over needle sets, indwelling IV, 14, 16, 18, 20, 22 gauge, each.
- 41) Needles, 18, 20 gauge each.
- 42) Syringe, tuberculin, 1 cc..
- 43) Syringes, 3, 10, 20, 35 cc., each.
- 44) Dextrose, 5% in water.
- 45) Lactated ringers solution, 1000cc..
- 46) Intravenous administration set, minidrip.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 47) Intravenous administration set, standard.
- 48) Atropine sulfate, 1mg. ampules.
- 49) Dextrose, 50%, 25gm ampules.
- 50) Epinephrine, 1mg, 1:10,000 ampules.
- 51) Epinephrine, 1mg, 1:1000 ampules.
- 52) Naloxone, 2mg, ampules.
- 53) Nitroglycerin sublingual tablets, 1/150 grain.
- 54) Sodium Bicarbonate, 50 mEq ampules.
- 55) Lidocaine HCL 100 mgm/5cc.
- 56) Lidocaine HCL 1 Gm vial or premix solution of 4 mgm/ml.
- c) For Basic Life Support (BLS) operations, these supplies shall include, but need not be limited to:
- 1) A VHF radio capable of providing voice communication between the watercraft and appropriate EMS agencies.
- 2) The supplies listed in Section 535.942 (b)(3) through (40) of this Part.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 535.943 Communications and Dispatch Center

- a) The SEMSV program shall have a designated dispatch center assigned and available twenty-four (24) hours per day every day of the year to receive and dispatch all requests for watercraft services.
- b) The communications and dispatch center shall have the ability to communicate with the watercraft for non-medical purposes on a separate designated frequency.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 535.950 Off-Road SEMSV Requirements

In addition to the requirements specified in Sections 535.900 and 535.920 of this Part, a SEMSV Program utilizing off-road SEMSV vehicles shall submit a Program Plan which includes the following:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- a) Documentation of the Medical Director's credentials as required by Section 535.920(e) of this Part, and a statement signed by the Medical Director containing his or her commitment to the following duties and responsibilities:
- 1) The supervision and management of the program.
- 2) Supervising and evaluating the quality of patient care provided by the off-road SEMSV crew.
- 3) Developing written standing orders (treatment protocols, Standard Operating Procedures) to be used by the off-road SEMSV crew during vehicle operation.
- 4) Developing and approving a list of equipment and drugs to be available on the off-road SEMSV during patient transfer.
- 5) Providing medical advice/expertise on the utilization, need, and special requirements of off-road SEMSV transfer.
- 6) Assuring the qualifications of the off-road SEMSV crew.
- 7) Assuring appropriate staffing of the off-road SEMSV vehicle:
- A) For Advanced Life Support (ALS) operations, the vehicle shall be staffed by a minimum of one (1) EMT-P, registered nurse or physician and one (1) other EMT, registered nurse or physician, one of whom may also be the driver of the off-road SEMSV vehicle.
- B) For Basic Life Support (BLS) operations, the vehicle shall be staffed by a minimum of two (2) EMTs, registered nurses or physicians, one of whom may also be the driver of the off-road SEMSV vehicle.
- b) The SEMSV Medical Director's list of required medical equipment and drugs for use on the off-road SEMSV (See, subsection (i) of this Section).
- c) The SEMSV Medical Director's standing orders (treatment protocols, standard operating procedures).
- d) A description of the communications system linking the off-road SEMSV with the SEMSV medical control point.
- e) A description and map of the service area for each vehicle.
- f) The identification number and description of all vehicles used in the program.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- g) A description of the EMS System's method of providing emergency medical services utilizing the SEMSV Program.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 535.951 Vehicle Specifications and Operation

- a) The off-road SEMSV shall have sufficient space for the vehicle operator, a patient in a supine position, and personnel rendering medical care along side of the patient.

- b) Each vehicle shall have a locking mechanism to secure the litter/stretchers or backboard to the off-road SEMSV.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 535.952 Medical Equipment and Drugs

- a) Each off-road SEMSV shall be equipped with medical equipment and drugs which are appropriate for the various types of missions to which it will be responding, as specified by the SEMSV Medical Director.

- b) For Advanced Life Support (ALS) operations, these supplies shall include, but need not be limited to:

- 1) One (1) telemetry radio for voice and electrocardiogram transmission/communication between the off-road SEMSV and the SEMSV medical control point.

- 2) Cardiac monitor and defibrillator with adult and pediatric paddles and appropriate accessories.

- 3) Oxygen masks in adult, child and infant sizes.

- 4) Oxygen valve key.

- 5) Oxygen connective/extension tubing.

- 6) Nasal cannulas, medium and small.

- 7) Non-rebreathing mask.

- 8) Oxygen regulator.

- 9) Oxygen flowmeter, capable of providing 1 thru 15 l/min flow.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 10) Oxygen outlet or tank, size D, E or H.
- 11) Bag-valve-mask with a reservoir system.
- 12) Portable suction device, able to provide a vacuum of 300 mm Hg through a shatterproof catchment container for a minimum of twenty minutes.
- 13) Set of oropharyngeal/nasopharyngeal airways for adults, children and infants.
- 14) Suction catheters, flexible, set of sizes 6fr, 14fr and 18fr.
- 15) Suction catheter, rigid.
- 16) Suction connective tubing.
- 17) Suction rinsing bottle, shatterproof.
- 18) Trauma dressings, sterile.
- 19) 4x4 sterile dressings.
- 20) Tape, adhesive, 1" rolls.
- 21) Tape, paper, adhesive, 1" rolls.
- 22) Bandage, gauze, roller soft sterile 2x4" rolls.
- 23) Bandage, elastic, 2x6", non-sterile rolls.
- 24) Alcohol preps, disposable.
- 25) Providone Iodine.
- 26) Sterile petroleum gauze dressing.
- 27) Gloves, latex.
- 28) Eye patches, sterile.
- 29) Cutting shears with protective tip.
- 30) Board, long spine with three straps, compatible with basket litter.
- 31) Traction splint.



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTSDEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

- 32) Stethoscope with bell and diaphragm.
- 33) Blood pressure cuffs, adult and pediatric.
- 34) Sphygmomanometer.
- 35) Blanket.
- 36) Sheet, non-sterile.
- 37) Pneumatic counterpressure trouser kit, adult and child.
- 38) Catheter over needle sets, indwelling IV, 14, 16, 18, 20, 22 gauge, each.
- 39) Needles, 18, 20 gauge each.
- 40) Syringe, tuberculin, 1 cc.
- 41) Syringes, 3, 10, 20, 35 cc., each.
- 42) Dextrose, 5% in water.
- 43) Lactated ringers solution, 1000cc.
- 44) Intravenous administration set, minidrip.
- 45) Intravenous administration set, standard.
- 46) Atropine sulfate, 1mg. ampules.
- 47) Dextrose, 50%, 25gm ampules.
- 48) Epinephrine, 1mg, 1:10,000 ampules.
- 49) Epinephrine, 1mg, 1:1000 ampules.
- 50) Naloxone, 2mg, ampules.
- 51) Nitroglycerin sublingual tablets, 1/150 grain.
- 52) Sodium Bicarbonate, 50 mEq ampules.
- 53) Lidocaine HCL 100 mgm/5cc.
- 54) Lidocaine HCL 1 Gm vial or premix solution of 4 mgm/ml.

c) For Basic Life Support (BLS) operations, these supplies shall include, but need not be limited to:

- 1) Radio communication equipment which will provide voice contact with personnel who can access EMS agencies.
  - 2) The supplies listed in Section 535.952 (b)(3) through (37) of this Part.
- (Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_) Section 535.953 Communications and Dispatch Center
- a) The SENSV program shall have a designated dispatch center assigned and available twenty-four (24) hours per day every day of the year to receive and dispatch all requests for off-road SENSV services.
  - b) The communications and dispatch center shall have the ability to communicate with the off-road SENSV for non-medical purposes on a separate designated frequency.
- (Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS1) Heading of the Part:

Illinois Plumbing Code

2) Code Citation:

77 Ill. Adm. Code 890

3) Section Numbers:

890.120  
890.620  
890.630  
890.640  
890.730  
890.820  
890.830  
890.920  
890.1040  
890.1070  
890.1110  
890.1210  
890.1410  
890.1460  
890.1540  
890.1550  
890.1620  
890.1640  
890.1650  
890.1720  
890.1750  
890.2000  
890.2110  
890.3010  
890.3020  
890.3030  
890.3040  
890.3050  
890.3060  
890.3070  
890.3080  
890.3090  
890.4000

Proposed Action:

Amendments  
Amendments  
Amendments  
Amendment  
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Amendment  
New Section  
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New Section  
New Section  
New Section  
New Section

Ill. Rev. Stat. 1987, ch. 111, par. 1101 et seq.

5) A Complete Description of the Subjects and Issues Involved:

890.120 - This Section contains definitions of terms used in the Plumbing Code. All of which have been added to clarify the intent or meaning of the Plumbing Code. The terms added are backflow preventer (double check valve), backflow preventer double detector check, backflow preventer dual check, backflow preventer with intermediate atmospheric vent, backflow preventer reduced pressure zone, back-siphonage preventer, certified tester, closed water system, cross connection non-pressure type, cross connection pressure type, cross connection control, cross connection control by containment, cross connection control by isolation, grey water, non-toxic transfer fluids, open water system, pressure gradient monitor, service connection, toxic transfer fluids, vacuum and breaker hose type.

890.620(d) - A Federal requirement for labeling solder or flux lead content as required in Section 4 of the Federal Hazardous Substances Act (15 USC 1263) has been included.

890.620(m)A) - Compression fittings have been added to the list of allowed fittings for use with polyethylene pipe.

890.630(f) - Dresser type couplings have been removed and the use of compression type couplings has been added.

890.640(f) - Compression type couplings have been added for copper underground water tube.

890.730(b)4) - An additional method of providing access to rodding sanitary drainage lines has been added.

890.820 - A minimum size for grease traps has been established, and a method for sizing them.

890.830 - Specific square footage for floor drains in automotive areas and type of materials for gas/oil interceptors which are acceptable.

890.920 - Conversion factor for cubic foot gallons.

890.1040 - Clarification on faucets with internal modifications that permits hot/cold water to be interchanged.

890.1070 - This rule permits the installation of an energy efficient flushometer tank to an approved water closet bowl.

890.1110 - Prohibits water flowing from one individual's area to another's

4) Statutory Authority:

Illinois Plumbing License Law



## NOTICE OF PROPOSED AMENDMENTS

in public showers.

890.1210 - Provision has been included for restroom facilities for employees within a kiosk located in mall areas and public restrooms in certain buildings.

890.1410 - The protection of swimming pools from floor drains located in the deck area has been added to protect the quality of the pool water.

890.1460 - No plumbing fixture with potable water connected to it except service sinks may receive clear water wastes.

890.1540 - Definition's have been reworded to coincide with industry terms to parallel those of other State Departments and insure proper protection of potable water systems.

890.1550 - Requirements for connection of potable water lines to water treatment equipment, kidney dialysis machines and whirlpool tubs have been added to protect potable water supplies.

890.1620 - A section of the code that needed clarification concerning valves in pits for potable water systems has been deleted.

890.1640 - The elimination of noise within building water supplies has been reworded to clarify confusing areas.

890.1650 - The requirements for water heaters to meet ASHRAE Standard 90 and the requirements for point-of-use instantaneous water heaters are listed in this change.

890.1720 - The location of sanitary sewers in relationship to wells has been added to requirements of the Plumbing Code.

890.1750 Subsection b) (5) - The addition of this rule prohibits drainage piping to be reduced in the direction of flow.

890.2000 - The requirement for fixtures on a horizontal line downstream from a water closet to be vented has been added to clarify the intent of the plumbing code.

890.2110 - The requirements for combination waste and vent systems has been rewritten to clarify the existing rule.

890.3010 - The requirements for stainless steel water closets within correctional facilities is listed.

890.3020 - The requirements for type of materials and construction for

## NOTICE OF PROPOSED AMENDMENTS

urinals within correctional facilities are listed.

890.3030 - The type of material, the type of construction, the type of drain, and the design of faucets for combination lavatory/toilets within correctional facilities are listed.

890.3040 - Material requirements, methods of construction, the use of valves, and the types of faucets for sinks and lavatory's within correctional facilities are listed as minimum requirements.

890.3050 - Minimum requirements for sinks within correctional facilities are listed. This includes the type of material, construction methods, type of faucets, use of metering valves, and the type of spout.

890.3060 - The size of individual shower cabinets, type of materials, design of shower hooks, soap dishes, shower heads, and requirements for non-skid floor surfaces within correctional facilities are given.

890.3070 - Types of flush valves used on urinals and water closets within correctional facilities are listed.

890.3080 - Design of soap dishes for correctional facilities are listed.

890.390 - The minimum requirement for location of floor drains within correctional facilities are listed.

890.4000 - General requirements (material, fittings, devices, drainage, venting, water supply) of the Illinois Plumbing Code and Minimum standards for correctional facilities are referenced and listed.

The proposed rules will not impose additional economic effects on the general public. The proposed rules do not add new requirements or added expense to the installer or consumer. The rules only clarify existing rules and makes general accepted installation methods or types of fixtures and devices minimum plumbing requirements.

The anticipated adoption time for these proposed rules six to nine months of the publication in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify the date: \_\_\_\_\_



8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes ☒ No ☐

If "yes," please specify type: 6.02(a) ☒ or 6.02(b) ☐

9) Are there any other Proposed Amendments Pending on this Part?

Yes ☐ No ☒

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
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10) Statement of Statewide Policy Objectives:

Added measures are taken to insure the use of lead free materials (Section 4 of the Federal Hazardous Substances Act, 15 USC 1263), usage of fixtures tested by national known agencies and rewording of previous rules to clarify the intended use.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present its comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate its status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

March 14, 1989

- B) Type of Small Businesses Affected:  
Plumbers and Plumbing Contractors
- C) Reporting, Bookkeeping or Other Procedures Required for Compliance:  
No new procedures required.
- D) Types of Professional Skills Necessary for Compliance:  
Technical.

The full text of the Proposed Amendments begins on the next page:



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER r: WATER AND SEWAGEPART 890  
ILLINOIS PLUMBING CODE

## SUBPART A: DEFINITIONS

Section  
890.110 General  
890.120 Definitions

## SUBPART B: GENERAL REGULATIONS

Section  
890.210 Conformance with Code  
890.220 Grade of Horizontal Piping  
890.230 Change in Direction  
890.240 Fittings and Connections  
890.250 Repairs and Alterations  
890.260 Underground Potable Water Piping-Piping Conveying Sewage  
890.270 Trenching, Bedding, Tunneling and Backfilling  
890.280 Structural Safety  
890.290 Workmanship  
890.300 Protection of Pipes  
890.310 Exclusion of Materials Detrimental to the Sewage System  
890.320 Industrial Wastes  
890.330 Sleeves  
890.340 Rat Proofing  
890.350 Used Plumbing Material  
890.360 Condemned Plumbing Material, Equipment Fixtures  
890.370 Depth of Building Drains and Water Service (Outside of Building)  
890.380 Piping in Relation to Footings  
890.390 Drainage Below Sewer Level  
890.400 Connection to Plumbing System Required  
890.410 Sewer and/or Water Required  
890.420 Location and Fixtures  
890.430 Piping Measurements  
890.440 Venting  
890.450 Water Closet Connections  
890.460 Dead Ends

## SUBPART C: PLUMBING MATERIALS

Section  
890.510 Materials

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

890.520 Special Materials  
890.530 Plastic Pipe, Tubing and Fittings for Potable Water Piping  
890.540 Plastic Pipe and Fittings for Drainage and Vent Piping Within and Without the Building  
890.550 Alternate Material and Methods  
890.560 Approved Materials

## SUBPART D: JOINTS AND CONNECTIONS

Section  
890.610 Tightness  
890.620 Types of Joints  
890.630 Special Joints  
890.640 Use of Joints  
890.650 Unions  
890.660 Water Closet and Pedestal Urinal  
890.670 Prohibited Joints and Connections  
890.680 Waterproofing of Openings  
890.690 Increases and Reducers

## SUBPART E: TRAPS AND CLEANOUTS

Section  
890.710 Traps  
890.720 Type and Size of Traps and Fixture Drains  
890.730 General Requirements  
890.740 Pipe Cleanouts  
890.750 Size of Cleanouts  
890.760 Cleanout Clearances  
890.770 Cleanout Equivalent  
890.780 Acid-Proof Traps

## SUBPART F: INTERCEPTORS-SEPARATORS AND BACKWATER VALVES

Section  
890.810 Interceptors and Separators Required  
890.820 Grease Interceptors Required  
890.830 Gasoline, Oil and Flammable Liquids, Interceptors/Separators  
890.840 Sand Interceptors  
890.850 Venting of Interceptors/Separators  
890.860 Accessibility of Interceptor/Separator  
890.870 Interceptors Efficiency  
890.880 Laundries  
890.890 Bottling Establishments  
890.900 Slaughter Houses  
890.910 Food-Waste Grinders  
890.920 Oil Interceptors



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

## 890.930 Backwater Valves-Sanitary System and Storm System

## SUBPART G: PLUMBING FIXTURES

- Section
- 890.1010 General Requirements - Materials
  - 890.1020 Alternate Materials
  - 890.1030 Overflows
  - 890.1040 Installation
  - 890.1050 Water Supply Protection
  - 890.1060 Prohibited Fixtures and Connections
  - 890.1070 Water Closets
  - 890.1080 Urinals
  - 890.1090 Strainers and Fixture Outlets
  - 890.1100 Lavatories
  - 890.1110 Shower Receptors and Compartments
  - 890.1120 Sinks
  - 890.1130 Food-Waste-Grinder Units
  - 890.1140 Drinking Fountains
  - 890.1150 Floor Drains
  - 890.1160 Dishwashing Machines
  - 890.1170 Multiple Wash Sinks
  - 890.1180 Garbage-Can Washers
  - 890.1190 Laundry Trays
  - 890.1200 Special Fixtures and/or Items Designed for a Particular Purpose
  - 890.1210 Minimum Number of Plumbing Fixtures

## SUBPART H: HANGERS AND SUPPORTS

- Section
- 890.1310 Hangers and Supports
  - 890.1320 Vertical Piping
  - 890.1330 Horizontal Piping
  - 890.1340 Hanger and Anchors
  - 890.1350 Strains and Stresses
  - 890.1360 Base of Stacks

## SUBPART I: INDIRECT WASTE PIPING, SPECIAL WASTE

- Section
- 890.1410 Indirect Waste Piping
  - 890.1420 Cleaning
  - 890.1430 Material and Size
  - 890.1440 Length and Scope
  - 890.1450 Air Gaps
  - 890.1460 Receptors
  - 890.1470 Special Wastes

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART J: WATER SUPPLY AND DISTRIBUTION

- Section
- 890.1510 Quality of Water Supply
  - 890.1520 Color Code
  - 890.1530 Water Supply Mandatory
  - 890.1540 Protection of Potable Water
  - 890.1550 Vacuum Breakers and Air Gaps
  - 890.1560 Water Service Pipe
  - 890.1570 Water Pumping and Storage Equipment
  - 890.1580 Water Supply Tanks and Auxiliary Pressure Tanks
  - 890.1590 Disinfection of Potable Water System
  - 890.1600 Water Supply System Materials
  - 890.1610 Allowance for Character of Soil and Water
  - 890.1620 Water Supply Control Valves
  - 890.1630 Water Supply Distribution
  - 890.1640 Procedure in Sizing the Water Distribution System of a Building
  - 890.1650 Hot-Water Supply and Distribution
  - 890.1660 Safety Devices
  - 890.1670 Miscellaneous

## SUBPART K: DRAINAGE SYSTEM

- Section
- 890.1710 Materials
  - 890.1720 Building Drain and Sewer Installation
  - 890.1730 Cleanouts
  - 890.1740 Drainage Fixture Units (D.F.U.)
  - 890.1750 Determination of Sizes for Drainage System
  - 890.1760 Offsets on Drainage Piping
  - 890.1770 Sanitary Wastes Below Sewer
  - 890.1780 Floor Drains
  - 890.1790 Frost Protection

## SUBPART L: VENTS AND VENTING

- Section
- 890.1910 Materials
  - 890.1920 Protection of Trap Seals
  - 890.1930 Vent Stacks
  - 890.1940 Vent Terminals
  - 890.1950 Frost Closure
  - 890.1960 Vent Grades and Connections
  - 890.1970 Fixtures Back-to-Back
  - 890.1980 Fixture Trap Vents
  - 890.1990 Types of Fixture Trap Vents
  - 890.2000 Installation of Vents for Fixture Traps



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

890.2010 Installation of Wet Venting  
890.2020 Stack Venting  
890.2030 Individual Fixture Reventing  
890.2040 Circuit and Loop Venting  
890.2050 Pneumatic Ejectors  
890.2060 Relief Vents  
890.2070 Offsets at an Angle Less than 45 Degrees From the Horizontal in Buildings of Five (5) or More Stories  
890.2080 Main Vents to Connect at Base  
890.2090 Vent Headers  
890.2100 Size and Length of Vents  
890.2110 Combination Waste and Vent (Floor Drains, and Hub Drains)  
890.2120 Special Venting for Island Fixtures

SUBPART M: INSPECTION, TESTS, MAINTENANCE, AND ADMINISTRATION

Section

890.2210 Inspections  
890.2220 Testing of Plumbing System  
890.2230 Test Methods  
890.2240 Maintenance  
890.2250 General Administration  
890.2260 Plumbing Code  
890.2270 Inspections  
890.2280 Violations  
890.2290 General

SUBPART N: PLUMBING SYSTEMS/CORRECTIONAL FACILITIES

890.3010 Water Closets  
890.3020 Urinals  
890.3030 Combination Lavatory/Toilet  
890.3040 Service Sinks/Lavatory  
890.3050 Sinks  
890.3060 Cabinet Showers  
890.3070 Flush Valves  
890.3080 Soap Dishes  
890.3090 Floor Drains  
890.4000 General Requirements

APPENDIX A Storm Drains

ILLUSTRATION A Expansion

APPENDIX B Suggested Regulations for Permits, Inspections, Tests, Maintenance and Administration for Use by Local Governmental Units Conducting a Plumbing Inspection Program  
APPENDIX C Enforcement  
APPENDIX D Alternate Designed Plumbing Systems

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

APPENDIX E

U.S.P.H.S. List of Approved Coagulant Aids, Corrosive Control Chemicals, Treatment Chemicals, Liners, Grouts, Hoses, Tubings, Concrete Coatings/Admixtures, Sealants, Paints and other Sundry Products  
Illustrations from Subpart A

EXHIBIT A

ILLUSTRATION A Air Gap Drawing #1  
ILLUSTRATION B Air Gap Drawing #2  
ILLUSTRATION C Battery of Fixtures  
ILLUSTRATION D Branch  
ILLUSTRATION E Branch Vent  
ILLUSTRATION F Building Drain  
ILLUSTRATION G Building Sub-drain  
ILLUSTRATION H Circuit Vent  
ILLUSTRATION I Common Vent  
ILLUSTRATION J Continuous Vent  
ILLUSTRATION K Drain  
ILLUSTRATION L Fixture Drain  
ILLUSTRATION M Flush Valve  
ILLUSTRATION N Grade  
ILLUSTRATION O Horizontal Branch  
ILLUSTRATION P Main Vent  
ILLUSTRATION Q Relief Vent  
ILLUSTRATION R Return Offset  
ILLUSTRATION S Revent Pipe  
ILLUSTRATION T Stack Vent  
ILLUSTRATION U Trap  
ILLUSTRATION V Vent Stack  
ILLUSTRATION W Wet Vent  
ILLUSTRATION X Yoke Vent

EXHIBIT B

ILLUSTRATION A Illustrations from Subparts B and D  
ILLUSTRATION B Horizontal to Vertical Change of Direction  
ILLUSTRATION C Horizontal to Horizontal Change of Direction  
ILLUSTRATION D Vertical to Horizontal Change of Direction  
ILLUSTRATION E Quarter Bends  
ILLUSTRATION F Sleeves  
ILLUSTRATION G Drainage Below Sewer Level  
ILLUSTRATION H Dead Ends  
ILLUSTRATION I Caulked Joints  
ILLUSTRATION J Flared Joints  
ILLUSTRATION K Positions of Application for Compression Type Joints  
EXHIBIT C Illustrations from Subparts E and F  
ILLUSTRATION A Fixture Traps  
ILLUSTRATION B Distance of Trap to Fixture  
ILLUSTRATION C Types of Traps  
ILLUSTRATION D Trap Cleanouts  
ILLUSTRATION E Prohibited Traps  
ILLUSTRATION F Underground Drainage



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

ILLUSTRATION G	Concealed Piping
ILLUSTRATION H	Small Pipes
ILLUSTRATION I	Grease Interceptor
ILLUSTRATION J	Typical Grease Trap Catch Basin
ILLUSTRATION K	Interceptors/Separators Vents
ILLUSTRATION L	Interceptors
ILLUSTRATION M	Interceptors for Bottling Plants
ILLUSTRATION N	Backwater Valve Location
EXHIBIT D	Illustrations from Subparts G, H, and I
ILLUSTRATION A	Prohibited Fixtures
ILLUSTRATION B	Commercial Type Grinder #1
ILLUSTRATION C	Commercial Type Grinder #2
ILLUSTRATION D	Protective Guard
ILLUSTRATION E	Trap and Strainer
ILLUSTRATION F	Circular Type Wash Sinks
ILLUSTRATION G	Cast Iron Soil Pipe Support #1
ILLUSTRATION H	Cast Iron Soil Pipe Support #2
ILLUSTRATION I	Horizontal Piping Support
ILLUSTRATION J	Cast Iron Soil Stack Support
ILLUSTRATION K	Indirect Waste Piping #1
ILLUSTRATION L	Indirect Waste Piping #2
ILLUSTRATION M	Indirect Waste Piping #3
ILLUSTRATION N	Indirect Waste Piping #4
ILLUSTRATION O	Indirect Waste Connection
ILLUSTRATION P	Air Gaps
EXHIBIT E	Illustrations from Subparts J and K
ILLUSTRATION A	Cross Connection #1
ILLUSTRATION B	Cross Connection #2
ILLUSTRATION C	Cross Connection #3
ILLUSTRATION D	Flushometer Valve
ILLUSTRATION E	Underground Water Piping #1
ILLUSTRATION F	Underground Water Piping #2
ILLUSTRATION G	Underground Water Piping #3 (Repeated)
ILLUSTRATION H	Water Supply Control
ILLUSTRATION I	Shut-Off Valve at Meter
ILLUSTRATION J	Separate Controls for Each Family Unit
ILLUSTRATION K	Shut-Off Valves in Buildings Other Than Dwellings
ILLUSTRATION L	Typical Gas Water Heater
ILLUSTRATION M	Typical Electric Water Heater
ILLUSTRATION N	P & T Valve Installed in Hot Outlet Line
ILLUSTRATION O	P & T Relief Valve
ILLUSTRATION P	Offsets on Drainage Piping
ILLUSTRATION Q	Above Highest Branch
ILLUSTRATION R	Below Lowest Branch
ILLUSTRATION S	Relief Vent
ILLUSTRATION T	Sanitary Wastes Below Sewer
EXHIBIT F	Illustrations from Subpart L

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

ILLUSTRATION A	Installation of Vent Stack or Main Vent
ILLUSTRATION B	Terminal
ILLUSTRATION C	Main Stack
ILLUSTRATION D	Roof Garden
ILLUSTRATION E	Location of Vent Terminal
ILLUSTRATION F	Grade
ILLUSTRATION G	Vertical Rise
ILLUSTRATION H	Height Above Fixtures
ILLUSTRATION I	Heel or Side-Inlet
ILLUSTRATION J	Fixtures Back-to-Back and Side-by-Side
ILLUSTRATION K	Distance of Trap to Vent
ILLUSTRATION L	Trap Weir
ILLUSTRATION M	Trap Vent
ILLUSTRATION N	Common Vent
ILLUSTRATION O	Vertical Wet Vent
ILLUSTRATION P	Hydraulic Gradient
ILLUSTRATION Q	Single Bathroom Groups
ILLUSTRATION R	Double Bath
ILLUSTRATION S	Multistory Bathroom Groups - Plan
ILLUSTRATION T	Multistory Bathroom Groups - Elevation
ILLUSTRATION U	One-Bathroom Group - Plan
ILLUSTRATION V	One-Bathroom Group - Elevation
ILLUSTRATION W	Battery Venting
ILLUSTRATION X	Dual Branches
ILLUSTRATION Y	Right and Wrong Vent Connections
ILLUSTRATION Z	Fixtures Back-to-Back in Battery
ILLUSTRATION AA	Fixture Connections - Offset Vents
ILLUSTRATION BB	Main Vents
ILLUSTRATION CC	Combination Waste and Vent
ILLUSTRATION DD	Special Venting for Island Fixtures
EXHIBIT G	Tables
TABLE A	Size of Vertical Conductors and Downspouts
TABLE B	Size of Horizontal Storm Drains
TABLE C	Size of Gutters
TABLE D	Plumbing Materials, Equipment, Use Restrictions and Applicable Standards
TABLE E	Size of Cleanouts
TABLE F	Minimum Number of Plumbing Fixtures
TABLE G	Minimum Air Gaps for Plumbing Fixtures
TABLE H	Demand Load
TABLE I	Drainage Fixture Units (DFU) Per Fixture Group
TABLE J	Fixtures Not Listed in Table I
TABLE K	Building Drains
TABLE L	Horizontal Fixture Branches and Stacks
TABLE M	Distance of Fixture Trap from Vent
TABLE N	Size of Vent Stacks
TABLE O	Size and Length of Vents



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

TABLE P Horizontal Circuit and Loop Vent Sizing Table  
TABLE O Size of Openings and Maximum Number of Discharge Openings

AUTHORITY: Implementing and authorized by Section 35 of the Illinois Plumbing License Law (Ill. Rev. Stat. 1987, ch. 111, par. 1101).

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## Section 890.120 Definitions

"Abutting": To border, to touch, to terminate at point of contact, adjacent.

"Accessible": Accessible means having access thereto but which first may require the removal of an access panel, door or similar obstruction. Readily accessible means direct access without the necessity of removing or moving any panel, door or similar obstruction.

"Adjacent": Same as abutting.

"Air Gap": The air gap in a water-supply system is the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank or plumbing fixture and the flood-level rim of the receptacle. See Exhibit A: Illustrations A and B.

"Anchors": A reliable, rigid support for securing pipe, fixtures, and equipment to walls, ceilings, floors, or any other structural members.

"Anti-siphon Ball Cock": An anti-siphon ball cock is a device consisting essentially of a float valve equipped with a flow-splitter to provide for tank and trap refill, which has an integral vacuum breaker, and which is used in conjunction with water closet flush tanks.

"Approved": Approved means accepted or acceptable under an applicable specification stated or cited in this code or accepted as suitable for the proposed use. Accepted as satisfactory.

"Area Drain": A drain placed in the floor of a basement area way, a depressed or basement entry way, a loading platform, or a paved

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

driveway which cannot otherwise be drained.

"Aspirator": A device supplied with fluid under positive pressure which passes through an integral orifice or construction causing a partial vacuum. A hollow tubular instrument connected with a partial vacuum and used to remove fluid or tissue or foreign bodies from the body.

"Backflow": Backflow denotes the reversal of flow from that normally intended. Back-siphonage is one type of backflow.

"Backflow Connection": Backflow connection or condition is any arrangement whereby backflow can occur.

"Backflow Preventer": A backflow preventer is a device to prevent backflow into the potable water supply system. A device which prevents contaminated water or liquids from being siphoned into the potable water supply system. A backflow preventer is also a device to prevent backflow into the building drainage system.

"Backflow Preventer, Double Check Valve (DCV)": A backpressure backflow preventer designed to operate under continuous or intermittent pressure, including backpressure.

"Backflow Preventer, Double Detector Check (DDC)": A backpressure backflow preventer designed to serve also as a detector check on fire protection systems. It includes a line-size double check valve backflow preventer with a metered by-pass, into which has been incorporated a three-quarter inch double check valve backflow preventer.

"Backflow Preventer, Dual Check (DuC)": A backpressure backflow preventer designed especially for isolating water systems to residences, mobile homes, etc., and for isolating residential lawn sprinkler systems, etc.

"Backflow Preventer with Intermediate Atmospheric Vent (IAV)": A small backpressure and backsiphonage backflow preventer designed to operate under continuous pressure, including backpressure.

"Backflow Preventer, Reduced Pressure Zone (RPZ)": A backpressure and backsiphonage backflow preventer designed to operate under continuous pressure, including back pressure.

"Back Pressure": Back pressure is an opposing pressure which causes or tends to cause liquid or air to flow in the direction opposite to the normal direction of flow in a closed conduit.



"Back Siphonage": The flowing back of used, contaminated, or polluted water from a plumbing fixture or vessel or other source into a negative pressure in such pipe. See: backflow, cross connection.

"Backsiphonage Preventer": A device designed to prevent reverse flow in a water system. The term should be used only where no backpressure is implied.

"Ball Cock": A device consisting of a float valve, equipped with a flow-splitter to provide a tank and trap refill, used in conjunction with a flush tank on a water closet.

"Battery of Fixtures": A battery of fixtures is any group of 2 or more similar adjacent fixtures which discharge into a common horizontal waste or soil branch. See Exhibit A, Illustration C.

"Boiler Blow-Down": Boiler blow-down is a controlled outlet on a boiler to permit emptying or discharging of sediment.

"Branch": A branch is any part of the piping system other than a main, riser, or stack. See Exhibit A: Illustration D.

"Branch Interval": A branch interval is a length of soil or waste stack corresponding in general to a story height, but in no case less than 8 feet within which the horizontal branches from one floor or story of a building are connected to the stack.

"Branch Vent": A branch vent is a vent connecting one or more individual vents with a vent stack or stack vent. See Exhibit A: Illustration E.

"Building": A building is a structure, built, erected, and framed in component structural parts designed for the housing, work, recreation, shelter, enclosure, or support of persons, animals, or property of any kind.

"Building Classification": Building classification is the arrangement adopted by the Department for the designation of buildings in classes based upon their use or occupancy.

"Building Drain": The building (house) drain is that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the buildings and conveys it to the building (house) sewer. The building drain terminates five (5) feet outside the building foundation wall. See Exhibit A: Illustration F.

"Building Sewer": The building (house) sewer is that part of the horizontal piping of a drainage system which extends from the end of the building drain, receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage disposal system or other point of disposal. The building sewer commences five (5) feet outside the building foundation wall.

"Building Storm Drain": A building storm drain is the lowest horizontal portion of the storm drainage system used for conveying rain water, surface water, ground water, subsurface water, condensate, cooling water, or other similar liquid waste (excluding sewage) to a point five feet beyond the outside of the building foundation wall.

"Building Storm Sewer": A sewer which is used for conveying rain water, surface water, ground water, sub-surface water, site drainage, condensate, cooling water or other similar liquid waste (excluding sewage) from the building storm drain to the storm sewer or other approved point of discharge.

"Building Sub-drain": A building sub-drain is that portion of a sanitary drainage system (See Definition of Drainage System) which cannot drain by gravity into the building drain. See Exhibit A: Illustration G.

"Building Trap": A building (house) trap is a device, fitting or assembly of fittings installed in a building drain to prevent circulation of air between the drainage system of the building and the building sewer.

"Certified Tester": A person qualified to make inspections, test, and repair cross-connection-control devices; and who has proved his competency to the applicable regulatory agency(s). This is required by the Illinois Environmental Protection Agency within Title 35, Subtitle F.: Part 608.

"Circuit Vent": A circuit vent is a branch vent that serves two or more traps and extends from the front of the last fixture connection of a horizontal branch to the vent stack. This type of venting applies only to floor drains and floor outlet fixtures which depend on self-siphonage for proper operation. See Exhibit A: Illustration H.

"Closed Water System": One with a checking device installed in the service pipe. A check valve, backflow preventer, or pressure reducing valve creates a closed water system.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

"Chemical Waste System": Piping which conveys to the drainage system corrosive or harmful industrial, chemical, or processed waste.

"Code": The word "code" when used alone shall mean this part, subsequent amendments thereto, or any emergency rule which the Department may lawfully adopt. In order for a plumbing code to be enforceable, it must be at the state level authorized by statute and promulgated pursuant to such statute. At the local level, i.e., county, city, town, village, sanitary or water district, must by ordinance or resolution adopt a plumbing ordinance or plumbing resolution and a plumbing code and such ordinance or resolution and code must be filed with the clerk's office. Standards for plumbing contained in a code that has not been officially adopted can only be construed as being a recommended standard.

"Combination Fixture": A combination fixture is a fixture combining one sink and tray or a two or three compartment sink or tray in one unit.

"Combined Building Sewer": A combined building sewer receives storm water and sewage.

"Combination Waste and Vent System": A combination waste and vent system is a system of waste piping embodying the horizontal wet venting of one or more floor drains by means of a common waste and vent pipe adequately sized to provide free movement of air above the flow line of the drain.

"Common Vent": A common vent is a vent connecting at the junction of two fixture drains and serving as a vent for both fixtures. See Exhibit A: Illustration I.

"Common Waste": A common waste is a drain from a fixture containing multiple compartments connected to a single trap.

"Conductors": A pipe inside the building which conveys storm water from the roof to a storm drain or sewer. See "downspout" or "leader."

"Contaminated Water": Contaminated water is water not suitable for human consumption and does not meet public health standards.

"Continuous Vent": A continuous vent is a vertical vent that is a continuation of the drain to which it connects. The drain may be either vertical or horizontal, but the vent must be vertical and a continuation of the drain. A continuous vent is also known as a back vent or an individual vent. See Exhibit A: Illustration I.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

"Continuous Waste": A continuous waste is a drain from a combination fixture connected to a single trap.

"Critical Level": The words "critical level" shall mean the mark on an atmospheric vacuum breaker established by the manufacturer and stamped -CL-. This determines the minimum elevation above the flood-level rim or top of the fixture whichever shall apply, at which the device shall be installed. When an atmospheric vacuum breaker does not bear a critical level marking, the bottom of the vacuum breaker, shall constitute the critical level.

"Cross Connection": A cross connection is any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other water of unknown or questionable safety, whereby water may flow from one system to the other, the direction of flow depending on the pressure differential between the two piping systems.

"Cross-Connection, Nonpressure Type": A submerged inlet installation where a potable water pipe is connected or extended below the overflow rim of a receptacle, or an environment, that contains a nonpotable fluid, and is at atmospheric pressure.

"Cross-Connection, Pressure Type": An installation where a potable water pipe is connected to a closed vessel or piping system that contains nonpotable fluid, and above atmospheric pressure.

"Cross-Connection Control (CCC)": An activity designed to prevent discover, and eliminate, all cross-connections.

"Cross-Connection Control by Containment": The installation of a backflow preventer at the service-connection to a premises to protect the water main.

"Cross-Connection Control By Isolation": The installation of a backflow preventer or a vacuum breaker at each cross-connection in a premises to protect both the premises and water main.

"Dead End": A dead end is a branch leading from a soil, waste, vent pipe, building drain, or building sewer, which is terminated at a developed distance of two (2) feet or more by means of a plug or other closed fitting, except piping serving as a cleanout extension to an accessible area.

"Developed Length": The developed length of a pipe is its length along the center line of the pipe including fittings.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

"Diameter": The length of a straight line through the center of an object. The diameter of piping is measured from the inside wall to inside wall.

"Downspout": Downspout is the vertical portion of a rain water pipe. A pipe leading downward; a pipe to carry off rain water from a roof. See "leader."

"Drain": A drain is any pipe which carries waste water or water borne waste in a building drainage system. See Exhibit A: Illustration K.

"Drain Laying" (trade of): Drain laying encompasses the laying and connecting of piping from five (5) feet from the foundation walls of a building to the sewer service lateral in the street-alley, or shall include the laying and connection stub provided for this purpose.

"Drainage System": A drainage system (drainage piping) includes all piping within public or private premises, which conveys sewage, rain, or other liquid wastes to a point of disposal, but does not include the mains of a public sewer system or a private or public sewage treatment or disposal plant. The drainage system does not include the venting system. Drainage and venting are separate systems though both are part of the overall plumbing design.

"Durham System": Durham system is a soil or waste system where all piping is of threaded pipe, using recessed drainage fittings.

"Effective Opening": The effective opening is the minimum cross-sectional area at the point of water-supply discharge, measured or expressed in terms of (1) diameter of a circle; (2) if the opening is not circular, the diameter of a circle of equivalent cross-sectional area. (This is applicable to sizing of an air gap.)

"Existing Work": Existing work is a plumbing system or any part thereof which has been installed prior to the effective date of this code. For local governmental units that have adopted a local plumbing ordinance and plumbing code, the definition of "existing work" would be existing work in a plumbing system or any part thereof which has been installed under authorization of a previously issued permit.

"Fixed": To be stationary, immovable or unalterable as in a fixed air gap. It means the unobstructed and vertical distance through the free atmosphere between the stationary water discharge point and the flood level rim of the receptacle.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

"Fixture Branch": A fixture branch is a water-supply, soil or waste pipe serving more than one fixture.

"Fixture Carrier": A fixture carrier is a metal unit designed to support an off-the-floor plumbing fixture.

"Fixture Drain": A fixture drain is the outlet pipe from the trap of a fixture to the junction of that drain with any other drain pipe. See Exhibit A: Illustration L.

"Fixture Supply": A water supply pipe connecting the fixture with the fixture water supply branch.

"Fixture-Unit, Drainage": A fixture-unit, drainage is the mathematical factor used by the plumbing industry as a means of estimating the probable load in the drainage system caused by discharge of various plumbing fixtures. This factor has proven reliable as it was developed after many years of practical experience and supported by laboratory testing and research.

AGENCY NOTE: Laboratory tests have shown that the rate of discharge of an ordinary lavatory with a normal 1-1/4" outlet, trap, and waste is about 7.5 gallons per minute. This figure is so near to one cubic foot per minute that "one cubic foot per minute" has become the accepted flow rate of one fixture unit.

"Fixture-Unit, Water Supply": Fixture-unit, water supply is the mathematical factor used by the plumbing industry as a means of estimating the probable demand on the water supply system (volume, duration of flow, and intervals between operations) by various plumbing fixtures. This factor has proven reliable as it was developed after many years of practical experience and supported by laboratory testing and research.

"Float Valve": A float valve is a positive opening valve, operated by a float, used to control the water level in a vessel, tank, or other container.

"Flood Level": The flood level is the elevation at which impounded fluid will overflow.

"Flood-Level Rim": The flood-level rim is the top edge of the receptacle from which water overflows.

"Flooded": A fixture is flooded when the liquid therein rises to flood-level rim. This term applies to any fixture which is part of the plumbing system.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

"Flush Valve": A flush valve is a device for the purpose of flushing water closets and other similar fixtures. See Exhibit A: Illustration M.

"Flushometer Valve": A flushometer valve is a device which discharges a predetermined quantity of water to fixtures for flushing purposes and is actuated by direct water pressure.

"Grade": Grade is the fall (slope) of a line of pipe in reference to a horizontal plane. In drainage, it is usually expressed as the fall in a fraction of an inch per foot length of pipe. This may also be expressed as a percentage. See Exhibit A: Illustration N.

"Grease Interceptor": A device designed and installed so as to separate and retain deleterious, or undesirable grease matter from normal sewage waste while permitting the normal sewage waste or liquid waste to discharge into the drainage system by gravity. See "Interceptor."

"Grease Trap": See "grease interceptor."

"Grey Water": Waste water such as dishwater, laundry waste, and other waste water not containing fecal matter.

"Group of Fixtures": A group of fixtures means two or more fixtures adjacent or near each other. See Section 890.1620(e).

"Hangers": Devices for supporting and securing pipe, fixtures, and equipment to walls, ceilings, floors, or any other structural member.

"Horizontal Branch": A horizontal branch is a drain pipe extending laterally from a soil or waste stack or building drain, with or without vertical sections or branches, which receives the discharge from one or more fixture drains and conducts it to the soil or waste stack or to the building drain. See Exhibit A: Illustration O.

"Horizontal Pipe": Horizontal pipe means any pipe or fitting which makes an angle of less than 45° with the horizontal.

"Hose": A flexible tube for conveying fluids (as from a faucet or hydrant).

"Hose Bibb": A faucet to which a hose may be attached.

"House Drain": See building drain.

"House Trap": See building trap.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

"Hydrant": A threaded valve outlet to which a flexible hose may be attached.

"Indirect Waste": An indirect waste is a pipe that does not connect directly with the drainage system but conveys liquid waste by discharging through an air gap into the drainage system.

"Individual Sewage Disposal System (Private Sewage Disposal System)": This means any sewage handling or treatment facility receiving domestic sewage from less than fifteen (15) people or population equivalent and having a ground surface discharge or any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge. Refer to Private Sewage Disposal Licensing Act (Ill. Rev. Stat. 1981, ch. 111 1/2, pars. 116.301 et seq.) and Code (77 Ill. Adm. Code 905), Illinois Department of Public Health.

"Individual Vent": An individual vent is a pipe installed to vent a fixture trap and which connects with the vent system above the fixture served or terminates in the outside atmosphere.

"Individual Water Supply (Private Water Supply)": A water supply system serving one or more families independent of a public water supply system.

"Industrial Wastes": Industrial wastes are liquid wastes resulting from the processes employed in industrial establishments and are free of human and animal waste.

"Insanitary": Contaminated. Unclean enough to endanger health. Contrary to acceptable sanitary practices. Potential health hazard.

"Interceptor": An interceptor is a device designed and installed to separate and retain deleterious, hazardous, or undesirable matter from normal waste and permit normal sewage or liquid waste to discharge into the drainage system.

"Invert": The invert is the floor, bottom, or lowest part of the internal cross-section of a pipe or conduit.

"Island Fixture Vent": A vent in which the vent pipe rises as near as possible to or above the highest water level in the fixture vented and then turns down before connecting to the stack or main vent. See Section 890.2120 Island Fixture Vent.

"Leaching or Seepage Pit": A pit or receptacle having porous walls which permit the contents to seep into the ground.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

"Leader": See "downspout"; "conductor".

"Length of Pipe": Length of pipe is the overall distance measured along the center line of a pipe. See "developed length."

"Liquid Waste": Liquid waste is the discharge from any fixture, appliance, or appurtenance, in connection with a plumbing system which does not receive fecal matter.

"Load Factor": The load factor is the percentage of the total connected fixture unit flow rate which is likely to occur at any point in the drainage system. The load factor varies with the type of occupancy, the total flow unit above this point being considered, and with the probability factor of simultaneous use. Load factor represents the ratio of the probable load to the potential load. It is determined by the average rates of flow of the various kinds of fixtures, by the average frequency of use, by the duration of flow during one use, and by the number of fixtures installed.

"Local Ventilating Pipe": A local ventilating pipe is a pipe on the fixture side of the trap through which vapors or gases or foul air are removed from a room or fixture to the outside atmosphere. Certain special apparatus, such as sterilizers, are sometimes provided with a local ventilating pipe in order to remove vapors. A local ventilating pipe is not connected into the vent piping of the drainage system.

"Loop Vent": A circuit vent which loops back to connect with a stack vent instead of a vent stack and is limited to floor drains and floor outlet fixtures which depend on self siphonage for proper operation.

"Main": The main of any piping system is the principal artery of the system to which branches may be connected.

"Main Vent": The main vent is the principal artery of the venting system to which vent branches may be connected. See Exhibit A: Illustration P.

"May": The word may is a permissive term.

"Maximum Demand": In plumbing the greatest requirement of flow of either water supply or waste discharge from the fixtures of a building, or any specific segment thereof.

"Manhole": A manhole is an opening constructed to permit a person to gain access to an enclosed space. A manhole is an opening constructed in a sewer or any portion of the plumbing system to

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

eliminate restriction of flow at changes of direction or junction and to facilitate cleaning.

"Minor Repairs": Minor repairs do not require changes in the piping to or from plumbing fixtures or involve the removal, replacement, installation or reinstallation of any pipe or plumbing fixture.

"New Work": Any plumbing system, part thereof, or addition to or alteration of an existing system, being installed or recently completed.

"Non-Potable Water": Non-potable water is water that does not meet public health standards for drinking water and is not suitable for human consumption.

"Non-Toxic Transfer Fluids": Fluids having no normal detrimental effect on humans including propylene glycol, mineral oil, polydimethylsiloxane, freon, and FDA approved boiler water additives for steam boilers.

"Occupancy": For the purpose of this code, occupancy shall mean taking possession of and living in as a sole and exclusive residence for a period of not less than six (6) months after the completion of construction of the single family residence or issuance of a Certificate of Occupancy by a unit of local government.

"Offset": An offset in a line of piping is a combination of elbows or bends which brings one section of the pipe out of line into a line parallel with the other section.

"Open Plumbing": Installation of plumbing so that traps and drainage pipes and their surroundings beneath fixtures are ventilated, accessible, and open to inspection. Exposed plumbing installation.

"Open Water System": A water system with no checking device installed in the service pipe.

"Peppermint Oil": A pungent, aromatic mint oil sometimes used in testing a drain, waste and vent system by pouring peppermint oil down each roof terminal followed by hot water; the roof terminals are closed and the odor of peppermint indicates a leak.

"Peppermint Test": A test for leakage using peppermint oil and heated or hot water as the media and the sense of smell as the determining factor.

"Percolation": Percolation is the flow or trickling of a liquid



## NOTICE OF PROPOSED AMENDMENTS

downward through a contact or filtering medium; the liquid may or may not fill the pores of the medium. The movement or flow of water through the interstices or the pores of a soil or other porous medium.

"Percolation Test": Percolation test means a sub-surface test at a depth of a proposed seepage system or similar component of a private sewage disposal system to determine the water absorption capability of the soil.

"Pet Cock": A pet cock is a small cock, faucet or valve, set in a water pipe, pump or drain outlet, at the end of a cylinder, in a radiator or water jacket, used to drain water, steam, or air.

"pH": An expression both of acidity and alkalinity on a scale whose values run from 0 to 14 with the lower of the number less than 7 indicating increasing acidity and the number greater than 7 increasing alkalinity.

"Pipe": Pipe is a tube conforming to the particular dimensions commonly known as "pipe size." This definition is for the purpose of distinguishing from the word "tube," particularly in brass or copper conduit. Pipe size usually refers to dimensions of the bore. The bore is defined as the nominal interior diameter of the pipe. A pipe is also defined as any closed conduit used to convey fluids, air, or gases.

"Pipefitting": The installation of piping other than that which is defined as plumbing.

"Pitch": Pitch is synonymous with "grade." The fall (slope) of a line of pipe in reference to a horizontal plane. In drainage it is usually expressed as the fall in a fraction of an inch per foot length of pipe. The pitch can also be expressed as a percentage.

"Plumbing": Refer to the Illinois Plumbing License Law.

"Plumbing Appliance": A unit whose operation and/or control may be dependent upon one or more energized components, such as motors, controls, heating elements, or pressure or temperature sensing elements. Such fixtures may operate automatically through one or more of the following actions: a time cycle, a temperature range, and pressure range, a measured volume or weight, or the fixture may be manually adjusted or controlled by the user or operator. An adjunct, usually mechanical, and similar to a plumbing fixture except that it is designed for a specific purpose and not generally indispensable in the operation of the plumbing system.

## NOTICE OF PROPOSED AMENDMENTS

"Plumbing Appliance": A manufactured device, or a pre-fabricated assembly, or an on-the-job assembly of component parts, and which is an adjunct to the basic piping system and plumbing fixtures. An appliance demands no additional water supply, nor does it add any discharge load to a fixture or the drainage system. It is presumed that it performs some useful function in the operation, maintenance, servicing, economy, or safety of the plumbing system.

"Plumbing Fixture": An installed appurtenance to the potable water supply system, which makes available intended potable water, or a receptor which receives and discharges liquids or liquid-borne waste either directly or indirectly into the drainage system. Plumbing fixtures are approved type installed receptacles, devices or appliances which are supplied with water or which receive liquid or liquid-borne waste and discharge such waste into the drainage system to which they may be directly or indirectly connected. Industrial or commercial tanks, vats, and similar processing equipment are not plumbing fixtures, but they may be connected to, or discharged into, approved traps or plumbing fixtures. A permanent appendage usually designed as a receptacle and intended to receive and/or discharge liquid or liquid-borne waste to a drainage system.

"Plumbing System": Refer to the Illinois Plumbing License Law.

"Plumbing Inspector": Refer to the Illinois Plumbing License Law.

"Pool (Swimming)": According to Section 7-27 of the Swimming Pool and Bathing Beach Act, (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1207-1227), a swimming pool means any artificial basin of water which has been modified, improved, constructed, or installed for the purpose of public swimming, and includes pools for community use, pools at apartments having five (5) or more living units, clubs, camps, schools, institutions, park and recreational areas, motels, hotels, and other commercial establishments. The Swimming Pool and Bathing Beach Act does not apply to pools at private residences intended only for use of the owner and guests. The physical connection between the potable water supply line and the swimming pool shall be made by an Illinois licensed plumber or an Illinois licensed apprentice plumber under the supervision of a licensed plumber. Water closets, showers, lavatories, and drinking fountains installed in a swimming pool complex must be installed by a licensed plumber or a licensed apprentice plumber under the supervision of a licensed plumber.

"Potable Water": Potable water is water that is suitable for human consumption. Potable water is water that meets public health standards for drinking water.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

"Pressure Gradient Monitor": A device used to protect the quality of water, failsafe by design, securing the potable water system by isolating a heat exchanger when the pressure between the potable water and the heat exchange medium drops below a preset level.

"Pressure Relief Valve": See relief valves.

"Private or Private Use": In the classification of plumbing fixtures, private applies to fixtures in residences, apartments, and private bathrooms of hotels or motels where the fixtures are intended for the use of the single family or an individual.

"Private Sewer": A private sewer is a sewer privately owned and not directly controlled by a public authority.

"Private Water Supply": Any facility furnishing potable water for all purposes which is not a public water system.

"Proper" or "Properly" means to be accurate or meeting the standard of competence for the given situation and properties of the materials involved based upon the standards in this Part and manufacturer's recommendations. In addition, the definitions afforded these terms by the Courts of the State of Illinois shall apply when appropriate to the given situation.

"Public or Public Use": Other than "private or private use" as described above.

"Public Sewer": A public sewer is a sewer directly controlled by a public authority.

"Public Water System": A public water supply is any facility furnishing potable water through a system of distribution mains where ten (10) or more separate lots or premises are served. A water supply system controlled by public authority. A system for the provision to the public of piped water for human consumption, if the system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. The term public water system includes: any collection, treatment, storage, and distribution facility under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

"Quarter Bend": A fitting changing direction 90°. A 90° fitting.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

"Quick Closing Valve": A valve or faucet that closes automatically when released manually or controlled by a mechanical means for fast action closing. Faucets that close one-half round or less can be considered quick closing.

"Receptor": Devices or fixtures which receive the discharge from indirect waste pipes.

"Readily Accessible": See "Accessible."

"Relief Valves":

1. temperature relief valve - A valve designed to release water to atmosphere at a predetermined temperature setting.
2. pressure relief valve - A valve designed to relieve excessive pressure to atmosphere at a predetermined setting.
3. temperature and pressure relief valve - a valve incorporating a temperature relief valve and a pressure relief valve in one unit.
4. vacuum relief valve - A valve which admits air to the system if and when the system is attempting to reduce its pressure to less than atmospheric.

"Relief Vent": A vent which permits circulation of air in or between drainage and vent systems. See Exhibit A: Illustration Q.

"Return Offset": A double offset installed so as to return the pipe to its original alignment. See Exhibit A: Illustration R.

"Revent Pipe": See "individual vent". See Exhibit A: Illustration S.

"Rim": An unobstructed open edge of a fixture.

"Riser": A water supply pipe which extends vertically one full story or more to convey water to branches or to a group of fixtures.

"Roof Drain": A drain installed to receive water that has been collected on the surface of a roof and discharged into a leader or conductor.

"Roughing-In": The installation of all parts of the plumbing system which can be completed prior to the installation of fixtures. This includes drainage, water supply, and vent piping, and the necessary



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

fixture supports.

"Safe Pan": A safe pan is installed beneath piping and/or fixture to collect and drain any leakage. Safe pans are especially important in food preparation and food storage areas that have overhead, exposed, drainage piping.

"Safe Waste": See "indirect waste."

"Sand Interceptor": See "interceptor."

"Sanitary Sewer": A sewer into which building sewers are connected which carries sewage excluding storm, surface, and ground water.

"Seepage Bed": A shallow covered pit with level bottom containing gravel and distribution piping designed to allow septic tank effluent to seep into the ground. It is furnished at the same depth as recommended for seepage fields and intended for use when insufficient area is available for seepage fields.

"Seepage Pit": A covered pit filled with rock and provided with an open-jointed lining through which septic tank effluent seeps or leaches into the surrounding soil.

"Separator": See "interceptor."

"Septic Tank": A water-tight, accessible, covered receptacle designed and constructed to receive sewage from a building sewer, to settle solids from the liquids, to retain floating scum accumulation, to digest organic matter and store digested solids through a period of retention and allow the clarified liquid to discharge to other treatment units for final disposal.

"Service-Connection": The point of delivery of water to a premises. It is the end of the water surveyor's jurisdiction and the beginning of the plumbing official's.

"Sewage": Any liquid waste containing animal, human, or vegetable matter in suspension or solution, and may include liquids containing chemicals in solution.

"Sewage Ejector": A device for lifting sewage by mechanical means.

"Side Vent": A vent connecting to the drain pipe through a fitting at an angle not greater than 45° to the vertical.

"Size of Pipe and Tubing": See "diameter." The nominal inside

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

diameter as designated commercially.

"Slope": See "grade."

"Soil Pipe": A soil pipe is any pipe which conveys the discharge of water closets or fixtures having similar functions, with or without the discharge from other fixtures, to the building drain or building sewer.

"Special Wastes": Wastes which require special handling and treatment before their entry into the normal plumbing system. See Subpart I.

"Special Waste Pipe": Piping which conveys special waste. Piping that has been designed and manufactured of special material to handle special waste such as acids.

"Sprinkler System": There are two basic types of sprinkler systems. A fire sprinkler system is a system of piping and necessary appurtenances for conveying water or other extinguishing fluid to outlets for the purpose of fire extinguishment. A lawn sprinkler system is a system of piping installed for irrigation purposes.

"Stack": A general term for any vertical line of soil, waste, or vent piping.

"Stack Vent": The extension of a soil or waste stack above the highest horizontal drain connected to the stack. See Exhibit A: Illustration T.

"Stack Venting": A method of venting a fixture or fixtures through the soil or waste stack.

"Sterilizer, Boiling Type": A boiling type "sterilizer" is a fixture (non-pressure type) used for boiling instruments, utensils, and/or other equipment (used for disinfection). Some devices are portable, others are connected to the plumbing system.

"Sterilizer, Instruments": A device for the sterilization of various instruments.

"Sterilizer, Pressure Instrument Washer-Sterilizer": A pressure instrument washer-sterilizer is a fixture (pressure vessel) designed to both wash and sterilize instruments during the operating cycle of the fixture.

"Sterilizer, Pressure (autoclave)": A fixture (pressure vessel)



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

designed to use steam under pressure for sterilizing.

"Sterilizer Vent": A separate pipe or stack, which is trapped below the lowest exhaust and indirectly connected to the building drainage systems, which receives the vapors from non-pressure sterilizers, or the exhaust vapors from pressure sterilizers, and conducts the vapors directly to the outside atmosphere. Sometimes called a vapor, steam, atmospheric, or exhaust vent.

"Sterilizer Water": A water sterilizer is a device for sterilizing water and storing sterile water.

"Storm Sewer": A sewer used for conveying rain water, surface water, ground water, cooling water, or other similar liquid waste, (excluding sewage) to an approved point of discharge.

"Sub-soil Drain": A drain which collects sub-surface or seepage water and conveys it to a place of disposal.

"Sump": A receptacle which receives sanitary or storm waste, located below the normal grade level of the gravity system, and emptied by mechanical means.

"Sanitary waste," refer to Section 890.1770;

"Sub-soil drainage," see Appendix A.

"Sump Pump": A pump for the removal of drainage from a sump.

"Supports." Supports, hangers, and anchors are devices for supporting and securing pipe fixtures to walls, ceilings, floors, or structural members.

"Swimming Pool": See "pool" (swimming)

"Temperature and Pressure Relief Valve": See "relief valves."

"Toxic Transfer Fluids": Sanitary waste, grey water or mixtures containing harmful substances including ethylene glycol, hydrocarbons, oils, ammonia refrigerants, and hydrazine.

"Toxic": Not fit for human consumption. Poisonous.

"Trap": A trap is a fitting or device so designed and constructed as to provide, when properly vented, a liquid seal which will prevent the back passage of air without materially affecting the flow of sewage or waste water through it. See Exhibit A: Illustration U.

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

"Trap Arm": A trap arm is that portion of a fixture drain between a trap and its vent.

"Trap Primer": A trap primer is a device or system of piping to maintain a water seal in a trap.

"Trap Seal": The vertical distance between the crown weir and the top of the dip of the trap.

"Tuberculation": A condition which develops on the interior of pipe due to corrosive materials resulting in the creation of small, hemispherical lumps (tubercles) on the inner walls of the pipe.

"Vacuum":

1. a space absolutely devoid of matter;
2. a space as the interior of a closed vessel partially exhausted to the highest degree possible by an air pump or by any of various artificial means;
3. a degree of rarefaction below atmospheric pressure;
4. a pressure less than atmospheric pressure and is sometimes referred to as suction.

It is usually measured by the number of inches of mercury below atmospheric pressure, such as ten or twenty inches of mercury. To siphon.

"Vacuum Breaker": A device to prevent the creation or formation of a vacuum by admitting air atmosphere pressure, used to prevent back siphonage.

"Vacuum Breaker, Non-Pressure Type (Atmospheric)": A vacuum breaker which is not designed to be subject to static line pressure.

"Vacuum Breaker, Pressure Type": A vacuum breaker designed to operator under conditions of static line pressure.

"Vacuum Breaker, Hose Type (HVB)": A backsiphonage prevention device designed for hose connections only which are not under continuous pressure.

"Vacuum Relief Valve": A device to prevent excessive vacuum.

"Vent Pipe." Part of the vent system.

"Vent Stack": A vent stack is a vertical vent pipe installed primarily for the purpose of providing circulation of air to and from



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

any part of the drainage system and terminating to the atmosphere or in the stack vent. See Exhibit A: Illustration V.

"Vent System": The pipe or pipes installed to provide a flow of air to or from a drainage system or to provide a circulation of air within such system to protect trap seals from siphonage and back pressure.

"Vertical Pipe": Any pipe or fitting which makes an angle of 45° or less with the vertical.

"Wall Hung Water Closet": A water closet installed in such a way that no part of the water closet touches the floor.

"Waste": See "liquid waste".

"Waste Pipe": A pipe which conveys only waste material.

"Water Distributing Pipe": A pipe within the building or on the premises which conveys water from the water service or meter to the point of usage.

"Water Hammer": A concussion or sound of concussion of moving water against the sides of a containing pipe or vessel on a sudden stoppage of flow. A pressure that results from a sudden deceleration of flow of water in a closed conduit.

"Water Hammer Arrestor": A device to absorb hydraulic shock.

"Water Heater": A vessel for supplying hot water for all purposes other than for space-heating.

"Water Main": A water supply pipe for public or community use.

"Water Outlet": A discharge opening through which water is supplied to the fixture into the atmosphere (except into an open tank which is part of the water supply system), to a boiler or heating system, to any device or equipment requiring water to operate but which is not part of the plumbing system.

"Water Riser Pipe": See "riser".

"Water Service Pipe": Runs from the water main or source of potable water supply to the water distribution system of the building served.

"Water Supply Stub": A vertical pipe less than one story in height supplying one or more fixtures.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

"Water Supply System": The water service pipe, the water distribution pipe, and the necessary connecting pipes, fittings, or control valves, and all appurtenances in or adjacent to the building being served or premises.

"Wet Vent": A vent which also serves as a drain. A vent which receives the discharge of wastes other than from water closets. See Exhibit A: Illustration W.

"Yoke Vent": A pipe connecting upward from a soil or waste stack to a vent stack from the purpose of preventing pressure changes in the stack. See Exhibit A: Illustration X.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 890.620 Types of Joints

## a) Caulked Joints.

1) Caulked joints for cast iron bell-and-spigot pipe shall be firmly packed with oakum or hemp and filled with molten lead not less than one inch (1") deep and firmly caulked not to extend more than one-eighth inch (1/8") below the rim of the hub. Paint, varnish, or other coatings shall not be permitted on the jointing material until after the joint has been tested and approved. See Exhibit B: Illustration H.

2) Caulked Joints - Water Piping System. Yarning material used in the water piping system shall conform to ASTM specification No. C296-78. Material shall consist of asbestos fiber rope, paper rope, or rubber rings. Material shall be handled so as to prevent contamination before and during use.

b) Threaded Joints - Screwed Joints. Threaded joints shall conform to American National Taper Pipe Thread, ANSI B2.1-1968. All burrs shall be removed; pipe ends shall be reamed or filed to size of the bore; all chips shall be removed. Pipe joint compound shall be insoluble in water and non-toxic.

c) Wiped Joints. Joints in lead pipe or fittings, or between lead pipe or fittings and brass or copper pipe ferrules, solder nipples, or traps shall be full-wiped joints. Wiped joints shall have exposed surface on each side of the joint not less than three-fourth inch (3/4") and at least as thick as the material being joined. Wall or floor flange lead-wiped joints shall be made by using a lead ring or flange placed behind the joints at wall or floor. Joints between lead pipe and cast iron, steel or wrought iron shall be made by means



of a caulking ferrule, soldering nipple, or bushing.

- d) Soldered Joints. Soldered joints for tubing and pipe shall be made with approved fittings. Surface to be soldered shall be cleaned bright. The joints shall be properly fluxed (lead free) and made with approved lead free solder. Joints in copper water tubing shall be made by the appropriate use of approved cast bronze or wrought copper pressure fittings, properly soldered together. For approved fittings and solder see Exhibit G: Table D. All solders or flux containing more than 0.2% lead shall bear a warning label which states that the solder or flux is not approved for private or potable water use as required by Section 4 of the Federal Hazardous Substances Act (15 USC 1263). Use of this product in the making of joints or fittings in any private or public potable water system is prohibited. No part of a DWV (drain, waste and vent) system shall be joined or fitted with a solder or flux containing more than 0.2% lead.

- e) **Flared Joints.** Flared joints for plastic pipe and tubing and soft copper water tubing shall be made with approved fittings. The tubing shall be expanded with a proper flaring tool. See Exhibit B: Illustration I.

- f) **Hot-Poured Joints.** Hot-poured compound for clay or concrete sewer pipe shall not be water absorbent and when poured against a dry surface, shall have a bond of not less than 100 psi. All surfaces of the joint shall be cleaned and dried before pouring. If wet surfaces are unavoidable, a suitable primer shall be applied. Compound shall not soften sufficiently to destroy effectiveness of the joint when subjected to a temperature of 160 degrees Fahrenheit, not be soluble in any of the waste carried by the drainage system. Approximately 25 percent of the joint space at the base of the socket shall be filled with jute or hemp. A pouring collar rope or other device shall be used to hold the hot compound during pouring. Each joint shall be poured in one operation until the joint is filled. Joints shall not be tested until one (1) hour after pouring.

- g) **Precast Joints.** Precast collars shall be formed in both the spigot and bell of the pipe in advance of use. Collar surfaces shall be conical with side slopes of 3 degrees with the axis of the pipe and the length shall be equal to the depth of the socket. Prior to making joint contact, surfaces shall be cleaned. When the spigot end is inserted in the collar, it shall bind before contacting the base of the socket. Material shall be inert and resistant to both acids and alkalis.

- #### h) Braze Joints.
- Braze joints shall be made by first cleaning the surface to be joined down to the base metal, applying flux approved

for such joints and for the filler metal to be used, and making the joints by heating to a temperature sufficient to melt the approved brazing filler metal on contact. See Section 890.630(b).

- i) Cement Mortar Joints. Except for repairs, cement mortar joints are prohibited.
- j) Burned Lead (Welded). Every burned (welded) joint shall be made in such manner that the two or more sections to be joined shall be uniformly fused together into one continuous piece. The thickness of the weld shall be at least as thick as the lead being joined.
- k) Asbestos Cement Sewer Pipe Joints. Joints in asbestos cement pipe shall be made with sleeve couplings of the same composition as the pipe sealed with rubber rings except that asbestos cement perforated pipe shall be made with a sleeve coupling which fits on the spigot end of the pipe.
- 1) Bituminized Fiber Pipe Joints. Joints in bituminized fiber pipe shall be made with tapered type couplings of the same composition as the pipe. Joints between bituminized fiber pipe and metal pipe shall be made by means of an adaptor coupling caulked as required in Subsection (a) above.
- m) Plastic Pipe Joints.
  - 1) Every joint in plastic piping shall be made with approved fittings by either solvent welded or fusion welded connections, compression fittings approved insert fittings and metal clamps and screws of corrosion resistant material, or threaded joints. See Exhibit G: Table D for approved pipe, fittings and solvent.
  - 2) Joints and Fittings in Plastic Pipe. Potable water piping fittings and joints shall be in accordance with the manufacturer's recommendations subject to the following: See Exhibit G: Table D.
    - A) Polyethylene (PE) pipe shall be installed only with compression fittings, insert and clamp type fittings or thermal welded joints and fittings. All clamps shall be of corrosion resistant material. The inside diameter (I.D.) of any insert fitting will not be allowed to be below the minimum allowable size for water service/distribution piping. (See Exhibit G, Table H for minimum allowable sizes for water service/distribution piping).
    - B) Polyvinyl chloride (PVC) pipe shall be installed with



ILLINOIS REGISTER  
DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

solvent welded or flanged joints only. The pipe shall not be threaded. Transition to metallic or other piping shall be made with the use of adaptor fittings. The fittings shall be molded from the same basic material as the pipe. The solvent cement used shall be specific for polyvinyl chloride piping.

- c) Polybutylene (PB) pipe shall be installed only with insert and clamp type fittings, compression type, flanged type, or thermal welded joints and fittings. All clamps shall be of corrosion resistant material. The inside diameter (I.D.) of any insert fitting shall not be less than the minimum allowable size for water service/distribution piping. (See Exhibit G, Table H and Table O for minimum allowable sizes for water service/distribution piping).

- 3) Joints in Plastic Drainage. Joints in plastic drainage or vent piping within the building shall be solvent welded, except that threaded or flanged joints may be used with adaptor fittings. The solvent cement shall be specific for the type of piping material. O-ring expansion joints are acceptable.

- n) Ground Joint Connections. Ground joint connections (when accessible) may be used on the inlet or outlet side of a fixture trap or within the trap seal. Ground joint connections shall not be used in any inaccessible drainage piping.

- o) Cold-Poured Joints. Cold-poured bituminous or resin joints for clay or concrete sewer pipe shall not be used in piping below the water table.

- p) No-Hub Soil Pipe Joints. Joints for non-hub cast iron soil pipe shall be made with a neoprene gasket covered by a corrugated metal stainless steel shield secured by two (2) or more stainless steel bands or clamps. The shield and clamps shall be corrosion resistant and homogenous throughout. The joint and materials shall comply with ASTM C564-8 and C15PA 310-78.

- q) Compression Type Joints.

- 1) Compression type joints for hub and spigot cast iron soil pipe shall be made with neoprene insert gaskets in accordance with ASTM C56476. The pipe shall comply with the specifications contained in ASTM A-74 with regard to hub and spigot dimensions and tolerances. See Exhibit B: Illustration J.

- 2) Compression type joints for copper water tube shall be made with

brass ferrules and ground joint connections.

- r) Grooved Type Mechanical Couplings. Grooved type mechanical couplings shall comply with the requirements of AWMA specification C606-78 push-on type couplings. All pipe and fitting ends shall be grooved as required by the manufacturer's standard. Gaskets for use in potable water piping shall be fabricated from material that is non-toxic, durable and impervious.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 890.630 Special Joints

- a) Copper Tubing to Screwed Pipe Joints. Joints from copper tubing to threaded pipe shall be made by the use of a cast bronze or wrought copper adaptor fitting. The joint between copper tubing and the fitting shall be soldered or flared.

- b) Welding or Brazing. Brazing or welding shall be in accordance with the provisions of the Section 6 of the Code for Pressure Piping, ASA B.3.1 and ANSI B3.1.1.

- c) Slip Joints. In drainage and water piping, slip joints may be used on the inlet side of the trap or in the trap seal, and on the exposed fixture supply. Slip joints shall not be used in any inaccessible piping.

- d) Expansion Joints. Expansion joints must be accessible and may be used where necessary to provide for expansion or contraction of the piping. The expansion joint material shall conform with the type piping on which it is installed.

- e) Ground Joint Brass Connection. Ground joint brass connections may be used on the inlet or outlet side of a fixture trap or within the trap seal. Ground joint brass connections shall not be used in any inaccessible drainage piping.

- f) ~~Bressee-Type Couplings--Bressee-type couplings shall not be used in unexposed water piping.~~

Compression type couplings shall not be used in unexposed water piping except for water services, water meter yokes and stop box connections.

- g) Grooved Type Mechanical Couplings. Grooved type mechanical couplings, in accordance with Section 890.620(r), may be used in potable water and roof drain piping. It shall not be used in waste,



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

soil or vent piping.

- h) Plastic Pipe to Non-Plastic Pipe Joints. Joints between plastic pipe and non-plastic pipe shall be made only by one of the following methods:

- 1) Pressure piping.
  - A) Approved insert fittings.
  - B) Threaded adaptors.
  - C) Flanges.
  - D) Flared fittings.

- 2) Non-pressure piping - Drain Waste Vent (DWV)

- A) Caulked lead joints with caulked adaptors.
- B) No-hub soil pipe couplings with approved adaptor having a raised bead.
- C) Compression type joints for hub and spigot cast iron pipe.
- D) Threaded adaptors.

(Source: Amended at 13 Ill. Reg. \_\_\_\_, effective \_\_\_\_)

## Section 890.640 Use of Joints

- a) Clay Sewer Pipe. Joints in vitrified clay pipe or between such pipe and metal pipe shall be made with a neoprene gasket and stainless steel bands or as provided in Section 890.620(f), (g) or (o), if applicable.
- b) Concrete Sewer Pipe. Joints in concrete sewer pipe or between such pipe and metal pipe shall be made with a neoprene gasket and stainless steel bands or as provided in Section 890.620 (f), (g) or (o), if applicable.
- c) Cast Iron Pipe. Joints in cast iron water supply pipe shall be made in accordance with Section 890.620(a) and (b) or shall be mechanical joints in accordance with ANSI A21.12-71. Joints in cast iron soil pipe shall be made in accordance with Section 890.620(a), (b), (p) or (q).
- d) Screw Pipe to Cast Iron. Joints between wrought iron, steel, brass, or copper pipe, and cast iron pipe shall be either caulked or threaded joints which are made as provided in Section 890.620 (a) or (b) and shall be made with approved adaptor fittings.
- e) Lead to Cast Iron, Wrought Iron or Steel. Joints between lead and

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

cast iron, wrought iron, or steel pipe shall be made by means of wiped joints to a caulking ferrule, soldering nipple, or brushing as provided in Section 890.620(c).

- f) Copper Water Tube. Joints in copper tubing shall be made either by the appropriate use of cast bronze or wrought copper, pressure fittings properly soldered or by means of compression or flared joints as provided in Section 890.620(d), (e), and (q)(2). Flared joints and compression fittings shall not be installed underground except for water services, water meter yokes and stop box connections.
- g) Plastic Pipe. Joints between plastic pipe and non-plastic material shall be made only by the utilization of an appropriate type adaptor as provided in Section 890.620(m) and 890.630(h).
- h) Building Sewer Connections. An elastomeric coupling seal conforming to ASTM C425 (1982), ASTM 443 (1979), ASTM 564 (1982), ASTM D-1869 (1978), or ASTM F-477 (1981), or ASTM D-792 (1979), D-2240 (1981), D-412 (1980), tests, may be used to adapt any two building sewer pipes for material to material, reducing size or transition of material. The flexible couplings shall be attached to the pipe with stainless steel clamps or bolts. The manufacturer's recommended method of installation shall be strictly adhered to.

(Source: Amended at 13 Ill. Reg. \_\_\_\_, effective \_\_\_\_)

## Section 890.730 General Requirements

- a) Trap Seal. Each trap shall have a water seal of not less than two (2) inches and not more than four (4) inches except where a deeper seal is required to prevent the loss of the trap seal by evaporation.
- b) Trap Cleanouts
  - 1) Each fixture trap, except those cast integral or in combination with fixtures in which the trap seal is readily accessible or except when a portion of the trap is readily removable for cleaning purposes, shall have an accessible trap screw of ample size protected by this water seal. (Exception-see Section 890.730(b), (4)). The screw shall be of brass or other non-corrosion type material. See Exhibit C: Illustration D.
  - 2) Cleanouts shall be made tight with threaded cleanout plug and approved washer.
  - 3) When a P-trap is used on a bath waste, it shall be directly below the tub overflow. The overflow shall be fastened to the



## DEPARTMENT OF PUBLIC HEALTH

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

tub by means other than the face plate. Face plates shall be clearly marked, "Cleanout".

- 4) A P-trap on a plumbing fixture which is not accessible may be installed without a cleanout plug or having a portion of the trap readily removable, provided there is access within three feet to rod the trap.

- c) Trap Level and Protection. Traps shall be set true with respect to their water seals and where necessary, they shall be protected from freezing.

- d) Traps Underground. Underground traps shall be provided with accessible and removable cleanouts, except for separate "P" traps into which floor drains, urinals and like fixtures with removable drain strainers discharge.

- e) Building (House) traps. No trap shall be installed at the foot of a soil or waste stack or in a building drain.

- f) Prohibited Traps (see Exhibit C: Illustration E)

- 1) Traps which depend upon the action of movable parts for their seal.
- 2) Full "S" traps. Exception: Water closet and similar fixtures which depend on self-siphonage for their proper operation.
- 3) Bell traps.
- 4) Crown vented traps.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 890.820 Grease Interceptors Required

All new or altered installations serving institutions or commercial establishments in which grease, fats, culinary oils, or similar waste products from kitchens or food processing areas, or in which grease, fats, or culinary oils are wasted in connection with utensil, vat, dish, or floor cleaning processes shall install grease interceptors. All waste lines and drains carrying culinary oil, grease, or fats in the above type establishment shall be directed to one or more interceptors before connecting to the plumbing system. It is recommended that interceptors be located outside the building and shall be accessible for maintenance purposes. See Exhibit C: Illustration I and J.

## Interceptors/Separators Required.

- a) Commercial vehicle storage or repair garages and gasoline stations with grease racks or pits and all facilities which have oil and/or flammable waste shall be provided with floor drains. A minimum of one (1) floor drain per working stall or one (1) floor drain for each five hundred (500) square feet shall be installed. Where trench drains are used to carry wastes to the gas/oil interceptor, the trench drain shall extend the entire length of the work (stall) area and have a trapped and vented opening no less than every forty (40) lineal feet. Floor drains provided for such areas shall be intercepted by an approved interceptor or a series of three (3) basins before discharging into the building drainage system and shall be of cast iron, equatty, steel, or other equally durable

- a) Minimum Required Features:

- 1) Flow Rate. The flow rate of the interceptors shall be sufficient to handle the maximum demand of the connected system.
- 2) Material and Covers. Grease interceptors shall be constructed of durable, corrosion-resistant materials and shall have water-tight covers securely fastened in place.

- 3) Minimum Size. A grease interceptor installed on the same floor as the fixture shall have one-half the liquid holding capacity of the fixture. A grease interceptor located on a floor below the fixture shall have sixty percent the liquid holding capacity of the fixture. To determine the liquid holding capacity in gallons of a plumbing fixture, multiply the length by the width by the height in inches, and divide by 231. Where two (2) or more sinks or receptacles are connected to a interceptor the flow rate in g.p.m. shall be based on the probable simultaneous use of such sinks or receptacles.

- b) Prohibited Discharge. No grease interceptor shall receive the discharge from a food waste grinder or a commercial dish-washing machine.
- c) Prohibited Type. Water cooled grease interceptors are prohibited.
- d) Residential Units. A grease interceptor is not required for individual dwelling units or any private living quarters.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 890.830 Gasoline, Oil and Flammable Liquids, Interceptors/Separators

## Interceptors/Separators Required.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

fiberglass materials suitable for gas and oil. Fiberglass interceptors shall not be used for receiving any substance other than gas and oil ~~drainable materials~~. Each interceptor or basin shall be provided with a heavy metal cover which shall be bolted into place and made gas and water-tight with a ~~soft-metal~~-gasket. Each interceptor and, if provided with separate compartments, each compartment and basin shall be provided with a vent of not less than two (2) inches. Two or more vents may be connected to a header which shall be six (6) inches or higher than the lowest floor drain served. The vent shall extend independently to the outer air. The outlet of an interceptor or each basin shall have a seal of not less than eighteen (18) inches. The inlet of the interceptor or the first basin shall be trapped except when floor drains are individually trapped. In areas of garages where motor fuels are dispensed or where motor vehicles are serviced, each floor drain shall be properly trapped. Floor drains above the level of the interceptor or basins shall connect to a stack extending independently to the outer air. Interceptors must be maintained to prevent loss of gas, oil, etc. Interceptors utilizing an automatic draw off feature must install a separate U.L. approved underground storage tank or storage tank integral with the interceptor.

- b) In all motor vehicle ~~lavatories or~~ wash racks, drainage shall discharge into a water-tight catch basin not less than 36 inches in diameter, or three feet by two and one half feet rectangle. The bottom shall not be less than ~~36~~ 27 inches below the invert of the outlet pipe. The outlet pipe shall be trapped with a catch basin trap and shall be of cast iron or schedule 40 plastic with a seal of not less than six (6) inches and a cleanout of not less than four (4) inches.

(Source: Amended at 13 Ill. Reg. \_\_\_\_, effective \_\_\_\_)

## Section 890.920 Oil Interceptors

- a) Requirements. All oil interceptors shall conform to requirements of subsection (b) below and Section 890.830.

- b) Minimum Dimension. Oil interceptors shall have a depth of not less than two (2) feet below the invert of the discharge drain. The outlet opening of the separator shall have no less than an 18-inch water seal.

- c) Motor Vehicle Servicing. Interceptors shall be required for motor vehicle servicing areas. The minimum size interceptor shall be six (6) cubic feet. (45 gallon)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- d) Motor Vehicle Storage. Where storage facilities are maintained, the capacity of the interceptor shall be one (1) cubic foot (one (1) cubic foot equals seven-and one-half (7 1/2) gallons) for each 100 square feet of surface to be drained, with a minimum capacity of six (6) cubic feet.

- e) Special Type Interceptor. Before installing any special type of interceptor, a drawing including all pertinent information shall be submitted for approval by the Department.

(Source: Amended at 13 Ill. Reg. \_\_\_\_, effective \_\_\_\_)

## Section 890.1040 Installation

- a) Cleaning. Plumbing fixtures shall be installed in a manner to afford easy access for cleaning. When practical, all pipes from fixture shall be run to the nearest wall.

- b) Securing Fixtures. Floor outlet fixtures shall be secured by screws or bolts.

- c) Wall-Hung Bowls. Wall-hung water closet bowls shall be rigidly supported by a concealed metal supporting member so that no strain is transmitted to the closet connection.

- d) Setting. Fixtures shall be set level.

- e) Water Supply Connection. Hot water shall be supplied to all plumbing fixtures which need or require hot water for their proper use and function. All mixing faucets shall have both hot and cold water connected to them with the hot water supply on the left side of the faucet. Further, no mixing faucet of standard manufacture shall be allowed that will permit internal modification for cross piping of hot and cold water connections.

(Source: Amended at 13 Ill. Reg. \_\_\_\_, effective \_\_\_\_)

## Section 890.1070 Water Closets

- a) Public Use. Water closet bowls for public use shall be of the elongated type and the seat shall be of the open-front type. Exception - Facilities for the handicapped shall comply with the latest edition of "Illinois Accessibility Code," 1988 Standards ~~integrated~~ published by The Capital Development Board. See Section 890.1210(c). The use of water closets designed for institutional use may be used in existing intensive care facilities and intensive coronary care facilities provided the water closet



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

swings only horizontally and has an integral trap. A water closet flushometer shall be used to flush the fixture.

- b) Water Closet Tanks. Water closet tanks shall have a flushing capacity sufficient to properly flush the water closet bowls with which they are connected.
- c) Ballcocks. Ballcocks for flush tanks shall be of the anti-siphon type, properly installed, and have a provision for trap refill.
- d) Flushing Device. The flush-valve seat in all water closet tanks shall be one (1) inch or more above the flood rim of the closet bowl so that the flushing-valve pipe is in a separate compartment of the closet tank with a hole in the bottom of the compartment.
- e) Flushometer Valve. Flush valves shall be so installed that they will be readily accessible for repairing. When the valve is operated, it shall complete the cycle of operation automatically, opening fully and closing positively under the service pressure. At each operation the valve shall deliver water in sufficient volume and at a rate that will thoroughly flush the fixture and refill the fixture trap. Means shall be provided for regulating flush-valve flow. The activating handle, button or mechanism of the flush valve in public restrooms shall be a minimum of 22 inches above the overflow of the bowl. Exception - Facilities for the handicapped shall comply with the latest edition of "Accessibility Standards Illustrated." See Section 890.1210(c). The activating handle, button or mechanism of a flush valve for any handicapped water closet shall be at least ten (10) inches above the rim of the water closet bowl rim. Not more than one shall be provided by an approved vacuum breaker. See Sections 890.1050 and 890.1550(c).
- f) Seats. Water closets shall be equipped with seats of smooth, non-absorbent material; all seats of water closets provided for public use shall be of the open-front type. Exception - Facilities for the handicapped shall comply with the latest edition of "Accessibility Standards Illustrated." See Section 890.1210(c). Water closets with integral seats shall not be installed for public use, but may be installed in certain institutions and prisons provided such installations are approved, in writing, prior to installation by the Department or other authority having jurisdiction. No water closet seat shall be more than one and one half (1 1/2) inches thick.
- g) Surrounding Materials. Where water closets are installed for public use, the flooring under the fixture base extending to at least 18 inches from the front and both sides of the closet, and extending to

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

the wall from the back of the water closet, shall be of non-absorbent material.

- h) A flushometer tank (ASSE 1037-1986) shall be used only with a water closet bowl specifically designed for that type flushing device.

(Source: Amended at 13 Ill. Reg. \_\_\_\_, effective \_\_\_\_)

## Section 890.1110 Shower Receptors and Compartments

- a) Shower. Shower compartments, except those build directly on a slab floor or having receptors constructed of precast stone, terrazzo, concrete, molded stone, or molded fiberglass, shall have a lead or copper shower pan or the equivalent thereof. All sides of the shower pan shall have a turn-up of at least two (2) inches above the finished floor level. Precast molded receptors shall have a minimum of one-quarter (1/4) of an inch thick flange. Traps shall be so constructed that the pan may be securely fastened to the trap at the seepage entrance, making a water-tight joint between the pan and the trap. Shower receptacle waste outlets shall not be less than two (2) inches in diameter and have a removable strainer.
- b) On the Ground. Shower receptors built on the ground shall be constructed of dense, non-absorbent and noncorrosive type material and shall have smooth, impervious surfaces, or as provided in Subsection (a) above.
- c) Dimensions. Shower compartments shall have not less than 1,024 square inches of floor area and, if rectangular, square, or triangular in plan, shall be not less than 30 inches in shortest dimension, excluding the threshold.
- d) Walls. Shower compartments shall have walls constructed of durable, smooth, nonabsorbent, noncorrosive and water proof materials.
- e) Joints. Built-in tubs with overhead showers shall have waterproof joints between the tub and waterproof walls.
- f) Public or institution showers. Floors of public shower rooms shall be drained in such a manner that no waste water from any bather will pass over areas occupied by other bathers. This will not prohibit the use of column showers.

(Source: Amended at 13 Ill. Reg. \_\_\_\_, effective \_\_\_\_)

## Section 890.1210 Minimum Number of Plumbing Fixtures



- a) Minimum Number of Fixtures. Plumbing fixtures shall be provided for the type of building occupancy and in the minimum number(s) showing in Exhibit G: Table F, "Minimum Number of Plumbing Fixtures" except as noted in footnote 6. Types of building occupancy not listed in Exhibit G: Table F shall be referred to the Department for a decision in writing concerning the minimum number and types of plumbing fixtures required, prior to construction.

b) Required Restroom Facilities.

1) Employee Restrooms

- A) Restroom facilities shall be provided for all employees within each place of employment; except that kiosks with five (5) or less employees which are located in the aisle of a mall and which have access to public restrooms located within two hundred (200) feet of the kiosks, shall not be required to have employee restrooms.

- B) If there are more than five working employees at any one time, separate restrooms for men and women are required. The total number of fixtures shall be based on the number of employees. (See table for requirements).

- C) If there are never more than five working employees at any one time, one restroom may serve both sexes. A restroom must have one water closet and one lavatory.

2) Public Restrooms

- A) Separate facilities for men and women are required when restrooms for the public are required.
- B) All restaurants must have restroom facilities for the public if the food or beverage is consumed on the premises.
- C) Buildings, other than restaurants, with less than 3,000 square feet ~~net~~ gross area to be used by the public need not provide public restrooms.
- D) All buildings with 3000 square feet gross area or more that allow public access must provide restrooms for the public.

(Source: Amended at 13 Ill. Reg. \_\_\_\_, effective \_\_\_\_).

SUBPART I: INDIRECT WASTE PIPING, SPECIAL WASTE

Section 890.1410 Indirect Waste Piping

- a) Food and Beverage Handling. Commercial dishwashing machines, dishwashing sinks, pot washing sinks, pre-rinse sinks, silverware sinks, bar sinks, soda fountain sinks, vegetable sinks, potato peelers, ice machines, steam table, steam cookers, and other similar fixtures shall be indirectly connected. \*The only exception shall be when such fixtures are located adjacent to a floor drain, the waste may be directly connected on the sewer side of the floor drain trap provided the fixture waste is trapped and vented as required by this Code (See Exhibit D: Illustration K and N) and the floor drain is located within four feet horizontally of the fixtures and in the same room. In the case of direct connection no other fixture waste shall be connected between the floor drain trap and the fixture protected.

\*AGENCY NOTE: The indirect piping from the fixture to the air gap shall not exceed five (5) feet developed length. All indirectly connected fixtures shall discharge to a vented trap located as close as possible to the fixture and in the same room (See Exhibit D: Illustrations L and M).

- b) Connection. Indirect waste connections shall be provided for drains, overflows, or relief vents from the water supply system. See Exhibit D: Illustration O and Section 890.1440(a), 890.1460(a), (b), and (c) and 890.1660(d). The discharge from relief valves shall drain through an indirect waste connection into a floor drain or a receptor.

- c) Sterile Materials. Appliances, fixtures, devices, or other apparatus such as stills, sterilizers, and other similar equipment requiring water and waste connections and used for preparation of sterile material shall be indirectly connected to the drainage system.

d) Swimming Pools.

- 1) Piping carrying backwash or other wastewater from the swimming pool filter shall be installed as an indirect waste to the building drain or building sanitary waste system. Piping utilized to drain water from the pool proper such as the main drain waste and gutter waste shall be installed as an indirect waste to a storm sewer. ~~or a combined-drainage-system.~~  
Piping utilized for carrying wastewater from deck drains around a pool ~~may be installed as a direct waste to a storm-sewer or drain or indirectly to the building drain or building sewer.~~ shall be installed as an indirect waste when the deck drains toward the pool.

- 2) Refer to the Minimum Sanitary Requirements for the Design and



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

Operation of Swimming Pools and Bathing Beaches, Circular No. 4.102, Illinois Department of Public Health.

e) Condensers and Sumps.

No steam pipe shall connect to any part of a drainage or plumbing system, nor shall any water above 180 degrees Fahrenheit be discharged into any part of the drainage system. The drains from pressure tanks, boilers, relief valves, and other similar equipment shall be connected to the drainage system through an indirect waste. Boilers exceeding 15 psi shall discharge through a cooling chamber.

f) Clear Water Wastes.

Water lifts, expansion tanks, cooling jackets, sprinkler systems, drip or overflow pans, or similar devices which waste clear water only shall discharge onto a roof or into the building drainage system through an indirect waste.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 890.1460 Receptors

a) Installation. Receptors serving indirect waste pipes shall not be installed in any inaccessible or unventilated space, or otherwise concealed or hidden and shall be sized to prevent overflow. See Section 890.670(b).

b) Strainers and Baskets. A receptor shall be equipped with either a readily removable basket over which the indirect waste pipe shall discharge, or the indirect waste receptor outlet shall be equipped with a strainer.

c) Splashing. All plumbing receptors receiving the discharge of indirect waste pipes shall be of such design and capacity as to prevent splashing or flooding under normal conditions. No plumbing fixtures, except service sinks, shall be used to receive the discharge of an indirect waste pipe. No plumbing fixture with potable water connected to it, except service sinks, shall be used to receive the discharge of an indirect clear water waste pipe.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 890.1540 Protection of Potable Water

a) Cross Connection (Submergence). Potable water supply piping, water discharge outlets, backflow prevention devices or similar equipment

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

shall not be located as to make possible their submergence in any contamination or polluted liquid or substances. See Exhibit E: Illustration A, B, and C.

b) Approval of Devices and Maintenance. Before any device for the prevention of backflow or back-siphonage is installed, it shall have first been certified that it meets the requirements of a recognized testing laboratory acceptable to the Department. Devices such as the reduced pressure (RP) principal backflow preventers, when installed in a potable water supply system for protection against backflow or back-siphonage, shall be maintained on a regular basis and appropriate records to verify maintenance shall be available at the site of the installation of the device or other approved location.

c) Backflow. The water-distribution system shall be protected against back-siphonage and backflow. Each water outlet shall be protected from backflow and/or back-siphonage, preferably by having the outlet end from which the water flows spaced a distance above the flood-level rim of the receptacle into which the water flows sufficient to provide a "minimum fixed air gap". Where it is not possible to provide a minimum fixed air gap, the water outlet shall be equipped with an accessibly located backflow/back-siphonage preventer complying with applicable standards.

BACKFLOW PREVENTERS ANSI OTHER

Vacuum Breakers, Anti-Siphon A112.1 (1980) ASSE 1001 (197982)

Vacuum Breakers, Hose Connection ASSE 1011 (197982)

Double Check With Atmospheric Vent ASSE 1012 (1978)

Reduced Pressure

Zone-Devtee Principle Backflow Preventer

ASSE 1013 (1980)  
AWMA C506 (1983)

Double Check Valve Assembly

ASSE 1015 (1980)  
AWMA C506 (1983)

Dual Check Valve

ASSE 1024 (198084)

Anti-Siphon Self-Draining Frost Proof Sillcocks

ASSE 1019 (19778)

Vacuum Breakers, Pressure Type

ASSE 1020 (1974)

Dual check valve (carbonated beverage)  
Relief port required

ASSE 1032 (1980)



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTSPressurized Flushing Devices

ASSE 1037 (1986)

Note: Vacuum relief valves shall not be used for backflow prevention.

- 2) Fire-Safety-System---The installation of a fire-safety-system involving the potable-water-supply-system shall be in accordance with NEPA-Standard No. 13 (1975), and the potable water-supply-system shall be protected against backflow or back-siphonage by a minimum of a single check-valve approved under NEPA-No. 13.---If a fire-department-connection is part of the fire-safety-system, the potable-water-supply-system must be protected by an approved backflow device.---(See Section 890.1540(e)(1)).---The installation of any fire-safety-system involving the potable-water-supply-system shall be protected against backflow or back-siphonage as follows:

- A) A fire-sprinkler-system that does not have a fire department-hose-connection, no method of supplying additives to the system, piping material that conforms with Section 890, Table D of this Part for potable-water distribution, less than five (5) sprinkler-heads, and a return line connecting the fire-system with the potable water-distribution-system does not require a backflow preventer or a check-valve.
- B) A fire-sprinkler-system that does not have a fire department-hose-connection, no method of supplying additives to the system, piping material that conforms with Section 890, Table D of the Plumbing-Code for potable water-distribution, and five or more sprinkler-heads shall have a single check-valve and a detector-check-valve between the potable-water-supply and the sprinkler system.---The fire-system shall be cleaned and chlorinated before use and the fire-system shall be drained and flushed at least every twelve months in the presence of a licensed plumbing inspector.---The fire-system shall be kept free from accumulations of sand, silt, and stagnant water which would nullify the action of chlorine content of the potable-water-supply.
- C) A sprinkler-system or standpipe-system of piping material not conforming with Section 890, Table D of the Plumbing-Code for potable-water-distribution and does not have a fire-department-hose-connection shall have a double-check valve assembly (DVCV) listed by and bearing a label or seal of a testing-laboratory as listed in Section 890.1540(e)(1) of the Plumbing-Code.

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

- B) A reduced-pressure-backflow-preventer (RP-BFP) listed by and bearing a label or seal of a nationally-recognized testing-laboratory as listed in Section 890.1540(e)(1) of the Plumbing-Code shall isolate the potable-water-system from all fire-safety-systems, sprinklers, or standpipes when the fire-system contains anti-freeze, water is pumped into the system from another source or there is a hose connection whereby another source can be connected to the sprinkler-system.

- 2) Fire safety systems shall be equipped with a double detector check valve assembly located at the point of connection between the fire safety system and the water supply line to protect the water supply against backflow and backsiphonage except under the conditions described in subsection (A) (2).

- A) A fixed proper air gap with a break tank or other storage vessel or a reduced pressure principle backflow preventer shall be installed at the point of connection between the fire safety system and the water supply service line to protect the water supply against backflow and backsiphonage when:

- 1) The fire safety system contains additives such as antifreeze, fire retardant or other chemicals. The RPZ assembly may be located at the point of connection to the section of the system containing such additives when the connection to the water supply is protected by a double detector check valve assembly; or
- 2) Water is pumped into the fire safety system from a non-potable source capable of serving the fire safety system. A non-potable source of water shall be considered capable of serving the fire safety system under the following conditions: It must be capable of year-round use, maintained with not less than 50,000 gallons of usable water not subject to freezing, accessible to fire fighting pumper equipment, located within 1700 feet of the facility; or
- 3) Water flows into the fire safety system by gravity from a non-potable source; or
- 4) There is a permanent or emergency connection whereby water can be pumped into the fire safety system from any other non-potable source.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- B) Fire department connections served solely by a water system without any non-potable connections or chemical additives shall require installation of a double detector check valve assembly.

## d) Prohibited Connections.

- 1) Sewage Lines. There shall be no direct connection between potable water lines and lines, equipment and vessels containing sewage. Such connections shall be made only through a minimum fixed air gap as outlined in Section 890.1550(a).
- 2) Chemical or Petroleum Pressure Vessels. No person shall connect any pressure vessel, i.e., storage tank, tank car, tank truck or trailer or other miscellaneous pressurized tank or cylinder containing or having contained liquified gaseous petroleum products or other liquified gaseous chemicals to any potable water supply. Water for flushing or cooling, or otherwise to be installed into such a vessel shall be obtained by gravity through a minimum fixed air gap as outlined in Section 890.1550(a)(1-3).

AGENCY NOTE: If water under pressure is required, it may be supplied only by means of an auxiliary pump taking suction from a suction tank provided for this purpose only with an over-rim supply having the required minimum fixed air gap as outlined in Section 890.1550(a).

- (3) Refrigerant Condensers. No refrigerant condenser of the water jacket type with a common wall between the refrigerant gas the cooling water shall be directly connected to a potable water supply. Cooling water, if from potable water supply, shall comply with ASSE 1012 and 1013. See AGENCY NOTE - Subsection (d)(2) above.
- (4) Chemical Pressure Vessels. Chemical pressure vessels containing chemicals used in the water treatment process, by the authority charged with the operation of the water supply, are hereby specifically exempted from the provisions of Subsection (d)(2) above.
- e) Devices for the Protection of the Potable Water Supply. Approved backflow preventers or vacuum breakers shall be installed with all plumbing fixtures and equipment, the potable water supply outlet of which may be submerged and which is not protected by a minimum fixed air gap. Connection to the potable water supply system, for the following fixtures or equipment, shall be protected against backflow

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

with any one or more of the devices as indicated below:

- 1) Low inlet to receptacles containing toxic substances (vats, storage containers, plumbing fixtures):
  - A) an approved fixed air gap fitting
  - B) reduced pressure ~~unit~~ principle backflow preventer
  - C) pressure vacuum breaker unit
  - D) atmospheric vacuum breaker unit
- 2) Low inlet to receptacles containing non-toxic substances (steam, air, food, beverages, etc.):
  - A) an approved fixed air gap fitting
  - B) reduced pressure ~~unit~~ principle backflow preventer
  - C) pressure vacuum breaker unit
  - D) atmospheric vacuum breaker unit
  - E) approved double-check valve assembly
  - F) double-check with atmospheric vent
- 3) Outlets with hose attachments which may constitute a cross connection:
  - A) an approved fixed air gap fitting
  - B) reduced pressure ~~unit~~ principle backflow preventer
  - C) pressure vacuum breaker unit
  - D) atmospheric vacuum breaker unit
- (4) Coils or jackets used as heat exchangers in compressors, degreasers, and other such equipment involving toxic substances:
  - A) an approved fixed air gap fitting
  - B) reduced pressure ~~unit~~ principle backflow preventer
  - C) pressure vacuum breaker unit
- (5) Direct connections - subject to back-pressure:
  - A) non-toxic substances
    - i) an approved fixed air gap fitting
    - ii) reduced pressure ~~unit~~ principle backflow preventer
    - iii) approved double-check valve assembly
    - iv) double-check with atmospheric vent
  - B) toxic substances
    - i) an approved air gap fitting



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

ii) reduced pressure unit

c) sewage and lethal substances

i) an approved fixed air gap fitting

f) Installation of Devices.

1) Atmospheric Vacuum Breakers. Vacuum breakers shall be installed with the critical level above the flood level rim of the fixture they serve, and on the discharge side of the last control valve of the fixture. No shutoff valve or faucet shall be installed beyond the vacuum breaker. See Section 890.1550(c).

2) Pressure Type Vacuum Breaker. Pressure type vacuum breaker unit shall not be installed except where permitted in Subsection (e) of this Section.

3) Reduced Pressure Principle Backflow Preventer. A reduced pressure type principle backflow preventer may be installed where permitted in Subsection (e) of this Section.

4) Devices of All Types. Backflow and back-siphonage preventing devices shall be installed so as to provide accessibility, located for observation, maintenance and replacement services. No in-line double check or reduced pressure principle backflow preventer shall be located more than five (5) feet above a floor or walk area. Backflow/back siphonage devices shall not be installed where they are subject to freezing or flooding conditions.

5) All in-line backflow/back siphonage preventers shall have a full opening type valve with an outside-stem-yoke (OS and Y) on each side of the preventer and located within five (5) feet of the preventer. The valve shall be of bronze or stainless steel seat design.

6) All types of backflow/back siphonage devices shall be field tested in accordance with the manufacturer's instructions by a certified tester before initial operation.

7) A protective strainer shall be located upstream of the first check valve on all in-line back flow/back siphonage preventers unless the device contains a built-in strainer. Fire safety systems are exempt from installing a strainer.

8) Properly installed cross-connection control devices create a

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

closed water system. Such systems shall have a properly sized thermal expansion tank, relief valve, or air chambers located in the cold water supply as near to the water heater as possible.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 890.1550 Vacuum Breakers and Air Gaps

a) Air Gaps. Air gaps shall be used whenever possible, in preference to vacuum breakers and should be used on such installations as cooling towers, air conditioning plenum chambers, open tanks, i.e.

1) The air gap in a water supply system is the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank or plumbing fixture and the flood level rim of the receptacle. See Exhibit G: Table G.

2) The minimum required air gap shall be measured vertically from the end of the faucet spout or supply pipe to the floor level rim of the fixture or vessel. See Exhibit G: Table G.

3) The minimum required air gap shall be twice the diameter of the effective opening, but in no case less than given in Exhibit G: Table G.

4) Where it is not practical to provide a minimum required air gap above the flood level rim of the tank, or vat, a backflow preventer shall be installed in accordance with Subsection (b) below.

b) Vacuum Breakers.

1) Required. Atmospheric vacuum breakers shall be installed within the fixture supply when the outlet end may be submerged, such as hose and spray, direct flushing rim valves, aspirators and under rim water supply connections to a plumbing fixture or receptacle in which the surface of the water in the fixture or receptacle is exposed at all times to atmospheric pressure. The type of preventer referred to will not protect against backflow when water is discharged through it into a space which contains pressure higher than atmospheric.

2) Where. An atmospheric vacuum breaker shall be installed between the control valve and the fixture and in such a manner that it will not be subject to water pressure, except the back pressure incidental to water flowing to the fixture.



## NOTICE OF PROPOSED AMENDMENTS

3) Atmospheric Vacuum Breaker. An atmospheric vacuum breaker shall be installed on the outlet side of the control valve.

4) Backflow Preventers - Design. All devices used for backflow prevention shall be made of corrosion resistant material and shall be so designed and proportioned as to prevent deterioration or deformation.

5) Approved Backflow Devices. All devices used for backflow prevention shall have been tested and approved to meet tests and performance as required by a recognized national standard for such devices. See Exhibit G: Table D and Section 890.1540(c)(1).

c) Flushometer Valve. Flush valves shall be equipped with approved vacuum breakers. The vacuum breaker shall be installed on the discharge side of the flushing valve with the critical level at least four (4) inches above the overflow rim of the bowl. See Exhibit E: Illustration D.

d) Flushing Tanks. Flushing tanks shall be equipped with approved anti-siphon ballcocks. The ballcock shall be installed with the critical level of the vacuum breaker at least one (1) inch above the full opening of the overflow pipe. In cases where the ballcock has no hush tube, the bottom of the water supply inlet shall be installed one (1) inch above the full opening of the overflow pipe. See Section 890.1070(d).

f) Lawn Sprinklers. Lawn sprinkler systems shall be equipped with approved vacuum breakers on the discharge side of each of the last valves. The vacuum breaker shall be at least six (6) inches above the highest head, and in no case less than six (6) inches above the surrounding ground. Where combination control valves and vacuum breakers are installed, the bottom of the valve shall constitute the bottom of the vacuum breaker. See Section 890.1540(c) and (e).

g) Valve Outlets for Hose Attachments.

1) Valve outlets with hose attachments shall have an approved backflow protection. The backflow protection may be permanently attached to the hose threads of the valve outlet, or may be an integral part of the valve.

2) Frost proof hydrants connected to potable water lines shall have backflow protection attached to the hydrant spigot (if threaded) and the (weep) drain down hole shall be protected from any ground water back up. (A backflow protector or open sight

## NOTICE OF PROPOSED AMENDMENTS

drainage is accepted for the drain back).

3) Backflow protection is not required when the hose (water supply line) is directly connected to a mobile unit used as a temporary or permanent dwelling place and the water line (hose) is under constant pressure.

h) Laundry Machines. The potable water supply to laundry machine(s) shall be protected against back-siphonage by:

1) air gap

2) approved vacuum breaker installed a minimum of twenty-six (26) inches above the top of the machine (commercial only)

i) Commercial Dishwashers. Commercial dishwashers shall be equipped with an approved vacuum breaker located in the rinse water supply line on the discharge side of the final control valve, a minimum distance of six (6) inches above the uppermost spray outlets. The cold water or make-up water supply line shall be provided with an air gap as outlined in Subsection (a) above or an approved vacuum breaker located on the discharge side of the final control valve, a minimum distance of six (6) inches above the absolute overflow or flood rim.

j) Aspirators. Water operated aspirators shall meet the following specifications:

1) The water supply line shall be equipped with a shut-off valve.

A) In operating rooms, emergency rooms, recovery rooms, delivery rooms, autopsy rooms and laboratories where aspirators are installed for removing blood, puss and/or other fluids, an approved vacuum breaker shall be installed on the discharge side of the control valve, and shall be located at ceiling heights or seven (7) feet six (6) inches, whichever is less.

B) Water operated aspirators used for dispensing detergent shall be protected against backflow and back-siphonage.

3) The aspirator water discharge shall be provided with a two (2) inch air gap to the receiving fixture.

k) Pressure Type Water Treatment Units. Wash water and rinse water drain lines from water softeners and other types of water treatment filters shall discharge to the sanitary drainage system through a trap, floor drain or sump. The waste from water conditioning



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

equipment shall discharge to the sanitary sewer or if sanitary sewer is not available it shall be discharged in accordance with the Private Sewage Disposal Code. (Ill. Rev. Stat. 1987, Chap. 111 1/2, par. 116.301 et seq.). An air gap equal to at least two (2) times the nominal diameter of the discharge pipe from the equipment shall be provided. Any water softening unit which depends on a venturi created by the flow of water from the water supply line to the softener to siphon brine solution for regeneration, shall not be required to have a backflow protection device on the water supply line. All other types (those that depend on internal check valves to prevent backflow and/or have the inlet supply of water stopped during regeneration) shall have a double check valve installed on the inlet water supply line.

- 1) Bidet. A bidet shall be equipped with hot and cold water. An approved atmospheric vacuum breaker shall be installed on the discharge side of the control valve. The bottom of a vacuum breaker, or the critical level line shown on the vacuum breaker, shall not be less than four (4) inches above the flood level rim of the bidet.

- m) Kidney Dialysis Machines - All kidney dialysis units shall have, as a minimum, a reduced pressure principle backflow preventer conforming with ASSE Standard 1013 or an approved air gap installed on the water supply inlet. The discharge for all dialysis machines shall be indirectly connected.

- n) Whirlpool Bathtubs - Whirlpool bathtubs shall be installed in such a manner that the tub, pump, jets and pump tubing drain completely after each use. The pump shall be located above the weir of the whirlpool tub trap.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 890.1620 Water Supply Control Valves

- a) Water Supply Control. A main shut-off valve on the water service pipe shall be provided near the curb or property line. In addition thereto, an accessible, gate-type shut-off valve with a drip valve shall be provided inside near the entrance of the water service pipe into the building. A pit-of-similar-type installation is prohibited for a potable water shut-off valve. See Exhibit E: Illustration H. Refer to Illinois Plumbing Code Section 890.1560(c).

- b) Shut-Off Valve at Meter. The shut-off valve at the discharge side of the water meter shall not be less in size than the size of the building water service, and shall be of the full-opening type with suitable drainage provisions. See Exhibit E: Illustration I.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- c) Tank Controls. Supply lines taken from pressure or gravity tanks shall be valves at or near their source.
- d) Separate Controls for Each Family Unit. In two-family or multiple dwellings, each family unit shall be controlled by an arrangement of shut-off valves which permit each group of fixtures or the individual fixture to be shut off without interference with the water supply to any other family unit or portion of the building. See Exhibit E: Illustration J.
- e) Groups of Fixtures. A group of fixtures means two or more fixtures adjacent or near each other. In a one-family house, one or two bathrooms adjacent or one over the other may be considered a group.
- f) Buildings Other Than Dwellings. In all buildings other than dwellings shut-off valves shall be installed which permit the water supply to all equipment and/or fixture in each separate room to be shut off without interference with the water supply to any other room or portion of the building. See Exhibit E: Illustration K.
- g) Water Heating Equipment. A shut-off valve shall be provided in the cold water branch line to each water storage tank or each water heater, installed as close as possible to water storage tank or water heater.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 890.1640 Procedure in Sizing the Water Distribution System of a Building

- a) Design and Installation. The design and installation of the hot and cold water building distribution system shall conform to good plumbing engineering practice, par. (b) below the Exhibit G: Table Q.
- b) Size of Fixture-Supply. The minimum size of a fixture-supply pipe shall be illustrated in Exhibit G: Table H.
- c) Minimum Flow Pressure. Minimum fairly constant, service pressure, at the point at outlet discharge shall be not less than eight (8) psi for all fixtures except for the direct flush-valves, for which it shall not be less than fifteen (15) psi, and except where special equipment is used requiring higher pressure.
- d) Auxiliary Pressure. Supplementary Tank. If the residual pressure in the system is below the minimum allowable at the highest water outlet when the flow in the system is at peak demand, an automatically controlled pressure tank or gravity tank shall be installed, of



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

sufficient capacity to supply sections of the building installation which are too high to be supplied directly from the public water main.

- e) Low Pressure Cut-Off. When a booster pump except those used for fire protection is used on an auxiliary pressure system, there shall be installed a low-pressure cut-off switch on the booster pump to prevent the creation of pressures less than five (5) psi on the suction side of the pump. A shut-off valve shall be installed on the suction side of the water system and within five (5) feet from the pump suction inlet, and a pressure gauge shall be installed between the shut-off valve and pump.
- f) Approval of Auxiliary Pressure Systems. Whenever in any building, structure, or premises receiving its potable water supply from the public water system, a pump or any other device for increasing the water pressure is to be installed, plans of such installation shall be approved by the Department prior to installation.
- g) Variable Street Pressures. When the street main has a wide fluctuation in water pressure, the water distribution system shall be designed for minimum pressure available in the main unless alternate provisions are made.
- h) Hazard and Noise. All building water supply systems shall be protected with air chambers or other approved mechanical devices that will absorb high pressures resulting from the quick closing valves. Water pressure absorbers shall be placed as close as possible to a quick acting valve or installed at the end of long pipe runs or near batteries of fixtures. Each air chamber shall be provided with a means of draining and restoring the air. When mechanical devices are used, the manufacturers' specifications shall be followed as to location and method of installation.

All building water supply systems in which quick acting valves are installed shall be provided with devices to absorb high pressures resulting from the quick closing of these valves. These pressure absorbing devices shall be either air chambers or approved (ASTM A.112.26.1984) mechanical devices. Water pressure absorbers shall be placed as close as possible to the quick acting valves or installed at the ends of long pipe runs or near batteries of fixtures.

- 1) Air Chambers - Where air chambers are installed, they shall be in an accessible place and each air chamber shall be provided with means for restoring the air in event the chamber becomes waterlogged.
- 2) Mechanical Devices - Where mechanical devices are used the

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

manufacturer's specifications for location and installation shall be followed.

- i) Excessive Static Water Pressure.

- 1) When street water main pressure exceeds eighty (80) psi, an approved pressure reducing valve and strainer with by-pass relief valve shall be installed in the water service pipe near the entrance to the building in order to reduce the water pressure to eighty (80) psi or lower. Sill cocks and outside hydrants may be left on full water main pressure at the option of the property owner.

- 2) Pressure reducing valves shall comply with applicable requirements of ASSE Standard Number 1003, "Water Pressure Reducing Valves for Domestic Water Supply Systems".

(Source: Amended at 13 Ill. Reg. \_\_\_\_, effective \_\_\_\_)

Section 890.1650 Hot-Water Supply and Distribution

- a) Water Heaters. Water heater, gas ANSI Z 21.10.1-74, Water Heater, Electric UL 174 shall be so stamped or marked to indicate compliance with ASHRAE Standard 90 (1986).

- 1) All equipment used for heating and storage of hot water shall conform to approved, recognized, applicable construction and installation standards. All such water heating equipment shall bear the marking of an approved testing agency certifying that such equipment has been tested and approved and listed to meet the requirements of the applicable standard. Listing by Underwriters Laboratories, American Gas Association or National Board of Boiler and Pressure Vessel Inspectors and ASME Standard shall constitute evidence of conformance with these standards. See Exhibit E: Illustration L and M.

- 2) Solar heated system used to temper or heat the hot water system shall be by the use of a double walled heat exchanger which is exposed to the atmosphere between the walls.

- 3) Heat exchangers using a nontoxic transfer fluid with no conditioning chemicals in the system may be of single wall construction.

- 4) Heat exchangers using a toxic transfer fluid and/or having conditioning chemicals in the system shall be separated from the potable water by a double wall construction. There shall be an



open air gap to the atmosphere between the two walls. The boiler (heating chamber) must be of low pressure (below 15 psi).

- 5) No heat exchanger will be permitted on any high pressure boiler operating in excess of 15 psi or high temperature hot water system operating in excess of 250°F unless:

- A) the heat exchanger is double walled; and
- B) the heat exchanger has an air gap open to the atmosphere between the two walls; and
- C) a pressure reducing valve is installed between the boiler and heat exchanger with the setting 30 psi lower than the water service pressure.

A pressure relief valve shall be installed downstream of the pressure reducing valve at a setting of five (5) pounds above the pressure reducing valve.

- 6) Any boiler using toxic chemicals or conditioning chemicals shall have a label (with a minimum size of 5"x5") attached to the boiler in a conspicuous place. The label shall read as follows:

**WARNING**

Chemicals and additives used to treat the boiler feed water in this boiler are not approved for potable water. The steam produced by this boiler is not potable. If the steam produced by this boiler is used to heat water, the water will not be considered potable if the steam and potable water are mixed.

- 7) Direct Fired Instantaneous Heaters. (Storage tank of more than 64 fluid ounces.) Direct fired instantaneous water heaters shall be equipped with a thermostatic mixing valve or valves. A pressure relief valve shall be installed on or adjacent to the heater. A temperature and pressure relief valve shall be installed on the tempered line with the temperature sensing element immersed in the tempered water pipe as close as possible to the mixing valve.

- A) Point-of-use instantaneous water heaters (high temperature, non-storage or storage of 64 fluid ounces or less, non-pressurized relative to atmosphere) shall meet the following requirements: Units intended to deliver temperature exceeding 110°F, or with no mechanical or electrical temperature limiting device must have the faucet located at least 3" from the 110°F hot water or cold

water faucet. All such faucet outlets shall have labels clearly and conspicuously indicating extremely hot water.

- B) All pressurized point-of-use water heaters shall have provisions as a part of the unit to provide temperature and pressure relief. Valves shall be set to relieve at 200 above controlled set point and at 125 psi or at 15 psi below pressure rating of lowest rated part of the assembly, whichever is the lowest.

- 8) Indirect, External, Submerged Coils. Indirect, external, tankless or submerged coils used in heating water shall be equipped with a thermostatic mixing valve or valves when not connected to a storage tank. A pressure relief valve shall be installed on the cold water inlet of the tank. A temperature and pressure relief valve shall be installed on the tempered line with the sensing element immersed in the tempered water line as close as possible to the mixing valve.

- 9) Steam Heat. All water heaters including storage heaters, instantaneous shell and tube heat exchangers, steam injection heaters and any other device using steam to heat water for potable use shall meet the following requirements:

- A) All chemicals and additives used to treat the boiler feed water in a boiler supplying steam to heat potable water must be approved for potable water.
- B) Steam pressure to the steam injector shall be 15 psi lower than the water pressure at the injector.

- 10) Temperature Override Protection. All water heating devices using steam to heat water for domestic purposes must be supplied with temperature controls to prevent users of this heated water from coming in contact with water at temperatures in excess of 120°F.

- b) Water Heaters - Food Service. Water heaters installed and utilized in food service establishments using dishwashing machines shall comply with National Sanitation Foundation (NSF) Standard Number 5.

A water heater conforming to ANSI Z21.10.1a-1988 to be used for hot water supply and space heating shall be constructed for continuous use and the piping for space heating shall be used for no other purpose than to an approved terminal heating device. Point-of-use instantaneous water heaters (high temperature, non-storage or storage of 64 fluid ounces or less, non-pressurized relative to atmosphere)



## DEPARTMENT OF PUBLIC HEALTH

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

shall meet the following requirements:

(Source: Amended at 13 Ill. Reg. \_\_\_\_, effective \_\_\_\_)

Section 890.1720 Building Drain and Sewer Installation

a) Separate Trenches. See Section 890.1560.

b) Drain - Filled Ground. A building drain installed in filled ground shall be of cast iron; copper Type "K", non-metallic Schedule 40 or heavier. Except for cast iron, such installations shall be laid on a continuous supporting system.

c) Sanitary and Storm Drains. Where separate systems of sanitary drainage and storm drainage are installed in the same premises, the sanitary and storm building drains may be laid in a common trench.

d) Existing House Drains and Sewer. Existing house drains and sewer may be used in the renovation of the plumbing system of existing structures, if they are in serviceable condition.

e) Protection of Pipes. Trench bottoms shall be hand trimmed to grade with provision for bedding of the pipe throughout its entire length. Adequate excavations shall be made to accommodate the bells or couplings to prevent unnecessary stress. Joints shall be waterproof and root proof and shall be in accordance with the requirements contained in Article IV. Trenches shall be backfilled and compacted to a distance of at least eighteen (18) inches above the top of the pipe with hand tools prior to the use of mechanical equipment used for backfilling purposes. See Section 890.300.

f) Horizontal Drainage Piping. Horizontal drainage piping shall be installed in a uniform slope. See Subsections (g), (h) and (i) below.

g) Small Piping. Horizontal drainage piping of three (3) inch diameter or less shall be installed with a fall of not less than one-quarter (1/4) inch per foot. See Exhibit G: Table K.

h) Large Piping. Horizontal drainage piping larger than three (3) inches in diameter shall be installed with a fall of not less than one eighth (1/8) inch per foot. See Exhibit G: Table K.

i) Minimum Velocity. Where conditions do not permit building drains to be laid with a fall as great as that specified above, then a lesser fall may be permitted provided the computed velocity will not be less than two (2) feet per second.

j) Location of Drains. All building drains, branches of building drains, building sewer or any sanitary sewer may be located to within 10 feet of a well or suction line from the pump to the well when cast iron pipe with mechanical joints or Schedule 40 PVC pipe with water tight joints is used for the building sewer. Drains not conforming with this type of joint shall be located fifty (50) feet from a well.

(Source: Amended at 13 Ill. Reg. \_\_\_\_, effective \_\_\_\_)

Section 890.1750 Determination of Sizes for Drainage System

a) Minimum Fixture-Unit Load. The maximum number of drainage fixture units that may be connected to a given size of building drain, horizontal branch, or vertical soil or waste stack is given in Exhibit G: Tables K and L.

b) Minimum Size of Building Drain, Horizontal Branch.

1) The minimum size of any gravity building drain shall be four (4) inches.

2) Pressure building drains shall not be used where gravity drains may be installed. Pressure building drains shall be sized in accordance with the ejector pump manufacturer's recommendation but shall not be less than two (2) inches in size.

3) Gravity drained horizontal branches of the building drain shall be sized in accordance with Section 890. Table K.

4) No portion of the drainage system installed underground or below a basement or cellar shall be less than two (2) inches in diameter.

5) The size of the drainage piping shall not be reduced in size in the direction of flow.

c) Minimum Size of Soil and Waste Stacks. No soil or waste stack shall be smaller than the largest horizontal branch connected thereto except that a 4 x 3 water closet connection shall not be considered as a reduction in pipe size.

d) Minimum Size of Stack Vent. Each structure in which building drains are installed shall have one (1) stack vent not less than three (3) inches in diameter carried full size through the roof to the outside atmosphere for each building drain. See Exhibit G: Table L.

e) Future Fixtures. When provision is made for the future installation



## DEPARTMENT OF PUBLIC HEALTH

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

of fixtures, those provided for shall be considered in determining the required size of drain pipes and vent piping during initial construction. Piping provided for such future installation of fixtures shall be terminated with a plugged fitting or fittings at the stack so as to form no dead end. In a multistory building, when openings are roughed in for future fixtures below the uppermost level, properly sized vent piping shall be connected to the vent system and carried down to the appropriate lower level and capped or plugged in an accessible location for venting of the future fixtures.

(Sources: Amended at 13 Ill. Reg. \_\_\_\_, effective \_\_\_\_)

## Section 890.2000 Installation of Vents for Fixture Traps

- a) Hydraulic Gradient. Fixture drains shall be vented within the hydraulic gradient between the trap outlet and vent connection. The hydraulic gradient as applied to a gravity drain and its vent connection is interpreted as the grade line. See Exhibit G: Table M. See Exhibit F: Illustration P.
- b) Different Level. If any stack has fixtures entering at different levels, the fixtures other than the fixtures entering at the highest level shall be vented, except as otherwise provided. See Section 890.2020.

- c) Horizontal drains. When fixtures discharge downstream from a water closet, each fixture downstream shall be individually vented.

(Source: Amended at 13 Ill. Reg. \_\_\_\_, effective \_\_\_\_)

## Section 890.2110 Combination Waste and Vent (Floor Drains, Floor-Sinks and Hub Drains)

- a) See Section 890.1750.
- b) Combination Waste and Vent. A combination waste and vent shall be permitted only where structural conditions preclude conventional plumbing. A combination waste and vent is an installation of waste piping end vented for the discharge of condensate or drip waste. Appurtenances delivering large quantities or surges of water may not be discharged to a combination waste and vent.
- 1) The waste piping and trap in a combination waste and vent system shall be at least two (2) pipe sizes larger than the pipe size required in a conventional system by Section 890. Table K, Exhibit G, of this Code and at least two pipe sizes larger than any fixture/appurtenance discharge tail piece.

- 2) A branch more than fifteen (15) feet in length shall be separately vented. The minimum area of any vent installed in a combination waste and vent system shall be one-half (1/2) the area of the drain pipe served.
- 3) Sinks, lavatories and other fixtures that rough-in above the floor, shall not be permitted on a combination waste and vent system.
- 4) Long mains shall be provided with additional relief vents located at intervals of every one-hundred feet. The relief vent shall be equal to at least one-half (1/2) of the area of the drain pipe served.
- 5) The minimum size of any combination waste and vent drainage line shall be four (4) inches in diameter.
- 6) A combination waste and vent is waste piping which serves as a horizontal vent for one or more floor drains. The dual function is accomplished by installing waste piping of sufficient size to provide free movement of air above the flow line of the drain. Pipe sizing is essential in the installation of a combination waste and vent to prevent trap siphonage. (See Exhibit F: Illustration CC).

(Sources: Amended at 13 Ill. Reg. \_\_\_\_, effective \_\_\_\_)

## SUBPART N: PLUMBING SYSTEMS/CORRECTIONAL FACILITIES

## Section 890.3010 Water Closets

- a) All stainless steel water closets shall be of stainless steel (Type 304) construction, including framework, reinforcing and interior piping.
- b) The bowl and flushing rim shall not be less than 14 gauge.
- c) The closet shall have a minimum of a three (3) inch, fully enclosed stainless steel P-trap and shall pass a 2-5/8" ball.
- d) All welds shall be ground smooth, and exterior surfaces polished.
- e) Integral contoured seats that are self draining and crevice-free shall be a part of the water closet.
- f) Vitreous china water closets complying with ANSI Standard A.112.19.1 may be used.

(Source: Added at 13 Ill. Reg. \_\_\_\_, effective \_\_\_\_)



ILLINOIS REGISTER  
DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

## Section 890.3020 Urinals

All stainless steel urinals shall be fabricated of stainless steel (Type 304) with exposed edges polished. All exposed welds are to be ground smooth. All construction is to be free from visible voids, seams or crevices. The trap shall provide a two (2) inch seal and pass a 1.9" ball. It shall be fitted with a integrally welded steel beehive dome strainer. (Vitreous china urinals (A.112.19.2) may be used.)

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 890.3030 Combination Lavatory/Toilet

a) The cabinet shall be of stainless steel (Type 304) with a minimum of 12 gauge for the cabinet and 14 gauge for the top.

b) The cabinet top shall have a backslash.

c) The lavatory shall include metering valves on the hot and cold self-closing filler valve with a maximum 1/2 gpm flow control and a combination penal filler/bubbler spout. A maximum of 105°F temperature is allowed.

d) The lavatory drain shall not have a mechanical air vent attached.

e) Supply inlets to the lavatory shall have screw driver stops, gate or globe valves.

f) The water closet shall have no less than a three (3) inch, fully enclosed stainless steel toilet P-trap and shall pass a 2 5/8" ball.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 890.3040 Service Sinks/Lavatory

a) Stainless steel Security Sinks/Lavatories shall be fabricated of stainless steel (Type 304) with the exterior surfaces polished. All exposed welds are to be ground smooth and there shall be no visible voids, seams or crevices. (Cast iron (A.112.19.1M) or vitreous china (A.112.19.2) sinks may be used.)

b) Security Sink/Lavatory shall include the following features: self-closing valve set with integral stops, gate or globe valves, reversible union inlets, and plain-end filler spout; grid strainer drain, elbow waste with a two (2) inch NPT female connection.

c) The waste assembly shall conform with Section 890.730(b)(1), and be

of brass, copper or bronze construction.

d) Drains with air vents are prohibited.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 890.3050 Sinks

a) All stainless steel sinks for food preparation or cleansing of utensils used to prepare food shall be of stainless steel (Type 304) construction, including framework and reinforcing. (Cast iron (A.112.19.1M) may be used.)

b) All welds shall be ground smooth, and exterior surfaces polished.

c) All sinks shall be provided with waste outlets not less than 1-1/2 inches in diameter. A crossbar, strainer, or other means shall be provided to restrict the clear opening of the waste outlet. No kitchen sink basket shall be less than 3-1/2 inches in diameter.

d) Waste lines and water supply lines shall conform with Sections 890.210 through 890.2120.

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 890.3060 Cabinet Showers

a) All cabinet showers shall be a unitized one-piece fixtures of stainless steel with the exposed surfaces polished, except the receptor which shall have a non-skid surface. All exposed welds shall be ground smooth and all construction is to be free of visible voids, seams or crevices.

b) Shower compartments shall have not less than 1,024 square inches of floor area, and if rectangular, square or triangular in plan, shall be not less than thirty (30) inches in shortest dimension, excluding the threshold.

c) The valve shall be a metering type with a maximum of 2.5 gpm flow control, integral screwdriver stop, gate or globe valves.

d) The shower shall include a stainless steel soap dish, shower head and clothes hook, designed for correctional facility use.

e) The shower head within shower cabinets or site constructed showers shall be located in such a manner so as not to pose an insanitary or nuisance condition outside the shower area.



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 13 Ill. Reg. \_\_\_\_, effective \_\_\_\_.)

Section 890.3070 Flush Valves

- a) All flush valves for water closets or urinals shall conform with sections 890.1070 (e) and 890.1080 (b) of this code.
- b) All flush valves shall feature rubber diaphragm operation, non-hold-open, push buttons (and handles), union check stops and plumbing code approved vacuum breakers. See Section 890.1050, 890.1540 (c), and 890.1550 (a), (b) and (c).
- c) Flush valves shall be concealed wherever possible.

(Source: Added at 13 Ill. Reg. \_\_\_\_, effective \_\_\_\_.)

Section 890.3080 Soap DishesSoap dishes shall be of the air circulating, self draining design.

(Source: Added at 13 Ill. Reg. \_\_\_\_, effective \_\_\_\_.)

Section 890.3090 Floor DrainsAll floor drains shall be properly trapped and vented with each drain cover securely anchored by means of vandal resistant screws.

(Source: Added at 13 Ill. Reg. \_\_\_\_, effective \_\_\_\_.)

Section 890.4000 General Requirements

- a) All material, fittings, appurtenances, devices shall be in accordance with standards listed in Section 890. Table D - Exhibit G.
- b) The drainage and venting for security fixtures shall be in accordance with Sections 890.1710 through 890.1790, 890.1410 through 890.1470 and 890.1910 through 890.2120.
- c) The water supply for security fixtures shall be in accordance with Sections 890.1510 through 890.1670. Note: A full-way valve for each cell shall be located outside the cell.

(Source: Added at 13 Ill. Reg. \_\_\_\_, effective \_\_\_\_.)

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS1) Heading of the Part:

Illinois Trauma Center Code

2) Code Citation:

77 Ill. Adm. Code 540

3) Section Numbers:

540.20  
540.30  
540.40  
540.50  
540.70  
540.80  
540.90  
540.160  
540.190

Proposed Action:

Amendment  
Amendment  
Amendment  
Amendment  
Amendment  
Amendment  
Amendment  
New Section

4) Statutory Authority:

Emergency Medical Services (EMS) Systems Act  
Ill. Rev. Stat. 1987, ch. 111 1/2, par. 5501 et seq.

5) A Complete Description of the Subjects and Issues Involved:

In Section 540.20, the definition of Advanced Life Support/Mobile Intensive Care was amended to reflect the language of the Emergency Medical Services Systems Act. Amendments were also made to reflect appropriate Illinois Revised Statutes dates.

In Section 540.30, amendments were added to reflect appropriate citation from Federal Guidelines, Statutes and Regulations, State of Illinois Statutes, and State of Illinois Regulations. Amendments were also made to list the appropriate source for the Revised Trauma Score.

In Section 540.40, corrections of typographical errors were made.

In Section 540.50, amendments were made to reflect the language of Section 27 of the Act.

In Section 540.70, amendments were made to clarify the nurse staffing requirements for a Level I Trauma Service. Amendments were also made to clarify the helicopter landing capabilities requirements.

In Section 540.80, amendments were made to clarify the nurse staffing requirements for a Level II Trauma Service. Amendments were also made to



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

clarify the helicopter landing capabilities requirements.

In Section 540.90, amendments to the Trauma Region Plan Committee were made to reflect the language of Section 27e of the Act. Amendments, were also made to standardize the method of trauma scoring throughout the State.

In Section 540.160, amendments to the definition of compensatory provisions for medical shortage areas were made to reflect the language of Section 27c of the Act.

Section 540.190 was added to reflect the language regarding confidentiality and immunity as specified in Section 27.1, paragraphs (a) and (b) of the Act.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates that this proposed rulemaking will become effective approximately six months from the date of publication as proposed in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes      No X

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes      No X

If "yes," please specify the date:                     

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes X No     

If "yes," please specify type: 6.02(a) X or 6.02(b)     

9) Are there any other Proposed Amendments Pending on this Part?

Yes      No X

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation

10) Statement of Statewide Policy Objectives:

Please specify: This rulemaking will have a minor affect on local

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

governments since it involves regulations required of community hospitals which desire to be designated as Level I or Level II Trauma Centers.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

March 20, 1989

B) Type of Small Businesses Affected:

Hospitals	Air Taxi Operators	Nurses
Ambulance Services	Physicians	

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

No additional reporting or bookkeeping is required.

D) Types of Professional Skills Necessary for Compliance:

Certified Trauma Nurse Specialists

The full text of the Proposed Amendments begins on the next page:



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER F: EMERGENCY MEDICAL SERVICES AND HIGHWAY SAFETY

PART 540  
ILLINOIS TRAUMA CENTER CODE

Section	Purpose and Applicability
540.10	Definitions
540.20	Incorporated Materials
540.30	Trauma Region Designation
540.40	Trauma Center Designation
540.50	Application Process
540.60	Level I Trauma Center Designation Criteria
540.70	Level II Trauma Center Designation Criteria
540.80	Trauma Region Plan
540.90	Uniform Reporting Requirements
540.100	Term of Designation
540.110	Renewal of Designation
540.120	Inspections and Investigations
540.130	Denial of Application for Designation or Request for Renewal
540.140	Voluntary Termination of Designation
540.150	Compensatory Provisions and Shortage Areas
540.160	Misrepresentation
540.170	Failure to Develop Protocols
540.180	Confidentiality and Immunity
540.190	Appendix A Request for Designation

AUTHORITY: Implementing and authorized by Emergency Medical Services (EMS) Systems Act (Ill. Rev. Stat. ~~1985-and-1986-Supp.~~ 1987, ch. 111 1/2, pars. 5501 et seq.).

SOURCE: Adopted at 11 Ill. Reg. 20153, effective December 1, 1987; amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: Capitalization denotes statutory language.

Section 540.20 Definitions

The definitions listed in this Section, the Act and 77 Ill. Adm. Code 535 apply to this Part.

"Act" means the "Emergency Medical Services (EMS) Systems Act" (Ill. Rev. Stat. ~~1985-and-1986~~ 1987, ch. 111 1/2, pars. 5501 et seq.).

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

"ADVANCED LIFE SUPPORT/MOBILE INTENSIVE CARE (ALS/MIC) (ALS)" MEANS AN ADVANCED LEVEL OF PRE-HOSPITAL AND INTER-HOSPITAL EMERGENCY CARE THAT INCLUDES BASIC LIFE SUPPORT FUNCTIONS (INCLUDING CARDIOPULMONARY RESUSCITATION (CPR) PLUS CARDIAC MONITORING, CARDIAC DEFIBRILLATION, TELEMEFERED ELECTROCARDIOGRAPHY, ADMINISTRATION OF ANTIARRHYTHMIC AGENTS, INTRAVENOUS THERAPY, ADMINISTRATION OF MEDICATIONS, DRUGS AND SOLUTIONS, USE OF ADJUNCTIVE MEDICAL DEVICES, TRAUMA CARE, AND OTHER AUTHORIZED TECHNIQUES AND PROCEDURES) INITIATED FOR THE TREATMENT OF REAL OR POTENTIAL ACUTE LIFE THREATENING CONDITIONS UNDER THE DIRECTION OF A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN ALL OF ITS BRANCHES OR A QUALIFIED REGISTERED PROFESSIONAL NURSE/MICN OR REGISTERED PROFESSIONAL NURSE/FIELD RN AND WHERE AUTHORIZED BY THE PROJECT MEDICAL DIRECTOR IN AN ILLINOIS DEPARTMENT OF PUBLIC HEALTH APPROVED ADVANCED LIFE SUPPORT SYSTEM. (Section 4.01 of the Act.)

"Affiliate Trauma Hospital" means a hospital that provides initial trauma care in accordance with the Trauma Region Plan established by the participants of the system in the particular region.

"Certified Registered Nurse Anesthetist" or "CRNA" is a licensed registered professional nurse who has had additional education beyond the registered professional nurse requirements at a school/program accredited by the National Council on Accreditation, and passed the certifying exam given by the National Council on Certification, and who by participating in forty (40) hours of continuing education every two (2) years, has been recertified by the National Council on Recertification.

"DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH, STATE OF ILLINOIS. (Section 4.09 of the Act.)

"DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH, STATE OF ILLINOIS. (Section 4.10 of the Act.)

"EMERGENCY MEDICAL SERVICES (EMS) SYSTEMS" MEANS AN ORGANIZATION OF PROVIDERS WHICH THROUGH A PROGRAM PLAN SUBMITTED TO AND APPROVED BY THE DEPARTMENT ENTITLES A HOSPITAL TO UTILIZE QUALIFIED PERSONNEL SPECIFIED IN THIS ACT TO PROVIDE OR COORDINATE PRE-HOSPITAL AND INTER-HOSPITAL EMERGENCY CARE AT AN ADVANCED OR INTERMEDIATE LEVEL, TO VICTIMS OF ILLNESS OR INJURY WITHIN THE AREA SPECIFIED IN THE PROGRAM PLAN. ADVANCED OR INTERMEDIATE LEVEL SYSTEMS MAY INCLUDE THE UTILIZATION OF BLS LEVEL SERVICES. ONE HOSPITAL IN EACH PROGRAM PLAN MUST BE DESIGNATED AS THE RESOURCE HOSPITAL. ALL HOSPITALS AND AMBULANCE PROVIDERS PARTICIPATING IN AN EMS SYSTEM MUST SPECIFY THEIR LEVEL OF PARTICIPATION IN THE PROGRAM PLAN. (Section 4.18 of the Act.)



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

"HOSPITAL" HAS THE MEANING ASCRIBED TO THAT TERM IN THE HOSPITAL LICENSING ACT. (Ill. Rev. Stat. 19851987, ch. 111 1/2, pars. 142 et seq. (Section 4.04 of the Act.))

"LEVEL I TRAUMA CENTER" MEANS A HOSPITAL WHICH: (1) WITHIN DESIGNATED CAPABILITIES PROVIDES OPTIMAL CARE TO TRAUMA PATIENTS; (2) PARTICIPATES IN AN APPROVED EMS SYSTEM; AND (3) IS DULY DESIGNATED PURSUANT TO THE PROVISIONS OF THIS ACT. LEVEL I TRAUMA CENTERS SHALL PROVIDE ALL ESSENTIAL SERVICES, AS DETERMINED BY THE DEPARTMENT BY RULE, IN HOUSE, 24 HOURS PER DAY. (Section 4.24 of the Act.)

"LEVEL II TRAUMA CENTER" MEANS A HOSPITAL WHICH: (1) WITHIN DESIGNATED CAPABILITIES PROVIDES OPTIMAL CARE TO TRAUMA PATIENTS; (2) PARTICIPATES IN AN APPROVED EMS SYSTEM; AND (3) IS DULY DESIGNATED PURSUANT TO THE PROVISIONS OF THIS ACT. LEVEL II TRAUMA CENTERS SHALL HAVE SOME ESSENTIAL SERVICES AVAILABLE IN-HOUSE, 24 HOURS PER DAY AND OTHER ESSENTIAL SERVICES READILY AVAILABLE 24 HOURS PER DAY, AS DETERMINED BY THE DEPARTMENT BY RULE. (Section 4.25 of the Act.)

"Medical Determinations Board" means the advisory body to the Department, as described in The Civil Administrative Code of Illinois (Ill. Rev. Stat. 19851987, ch. 127, pars. 6.06a et seq.)

"Physician" means a person who is licensed to practice medicine in all of its branches under the Medical Practice Act. (Ill. Rev. Stat. 19851987, ch. 111, pars. 4400-14401 et seq.)

"PRE-HOSPITAL CARE" MEANS THOSE EMERGENCY MEDICAL SERVICES RENDERED TO EMERGENCY PATIENTS FOR ANALYTIC, RESUSCITATIVE, STABILIZING, OR PREVENTIVE PURPOSES, PRECEDENT TO AND DURING TRANSPORTATION OF SUCH PATIENTS TO HOSPITALS. (Section 4.16 of the Act.)

"Project Medical Director" or "PMD" means the physician appointed by an advanced life support/mobile intensive care System who has the responsibility and authority for total management of the System.

"Registered Nurse" or "Registered Professional Nurse" means a person who is licensed as a professional nurse under the Illinois Nursing Act (Ill. Rev. Stat. 19851987, ch. 111, pars. 35013401 et seq.).

"Residency Review Committee for Emergency Medicine" means a committee comprised of members appointed by the American Board of Emergency Medicine, the American Medical Association Council on Medical Education, and the American College of Emergency Physicians. This committee is part of the Accreditation Council for Graduate Medical Education, which operates under the auspices of the American Board of Medical Specialties, the American Hospital Association, the American

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

Medical Association, the Association of American Medical Colleges, and the Council of Medical Specialties Society.

"Substantial Compliance" means either compliance with the provisions of the Act and this Part or demonstration that a particular deficiency will not result in a reduction in the standards of trauma care established in the Act or this Part for a similar facility in a similar geographic area.

"TRAUMA" MEANS ANY SEVERE INJURY WHICH INVOLVES SINGLE OR MULTIPLE ORGAN SYSTEMS such as injuries which are potentially or immediately life or limb threatening. (Section 4.26 of the Act.)

"TRAUMA CENTER" MEANS A HOSPITAL WHICH: (1) WITHIN DESIGNATED CAPABILITIES PROVIDES OPTIMAL CARE TO TRAUMA PATIENTS; (2) PARTICIPATES IN AN APPROVED EMS SYSTEM; AND (3) IS DULY DESIGNATED PURSUANT TO THE PROVISIONS OF THIS ACT. (Section 4.27 of the Act.)

"Trauma Center Medical Director" means the trauma surgeon appointed by a Department - designated Trauma Center who has the responsibility and authority for the coordination and management of the trauma services at the Trauma Center. He or she must have twenty-four (24) hour independent operating privileges and shall be board certified in surgery with at least one year of experience in trauma care.

"Trauma Nurse Specialist Course" means a standardized program for training Registered Nurses in trauma patient care, developed and sponsored by the Department and conducted by hospitals authorized by the Department. A Registered Nurse who has successfully completed the course receives a certificate of completion from the Department.

"TRAUMA REGION" MEANS A GEOGRAPHIC AREA DESIGNATED BY THE DEPARTMENT PURSUANT TO THE PROVISIONS OF THIS ACT IN WHICH TRAUMA SERVICES ARE COORDINATED THROUGH DESIGNATED TRAUMA CENTERS. (Section 4.28 of the Act.)

"Trauma Region Plan" means the document incorporating the protocols, cooperation agreements, disaster preparedness plan and other guidelines and programs relating to the trauma care within a Trauma Region, created pursuant to Section 540.90 of this Part.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 540.30 Incorporated Materials

The following are standards incorporated or referenced in this Part:



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

## a) Codes and Standards

- 1) Glasgow Coma Scale  
Champion HR, Sacco WJ, Carnazzo AJ et al: CritCare Med 9(9):  
672-676, 1981 (See Section 540.100)
- 2) Trauma-Score  
Champion HR, Sacco WJ, Carnazzo AJ et al: CritCare Med 9(9):  
672-676, 1981  
Revised Trauma Score  
American Trauma Society  
P.O. Box 13526  
Baltimore, Maryland 21203 (See Section 540.100)
- 3) Abbreviated Injury Score (1985)  
American Association of Automotive Medicine  
Arlington Heights, Illinois, 60005 (See Section 540.100)
- 4) Injury Severity Score  
Baker S.P., O'Neil B., Hadon W., et al;  
Journal of Trauma 1974; 14: 187-196 (See Section 540.100)
- 5) International Classification of Diseases 9th Revision, Clinical  
Modification (ICD-9-CM)  
Alphabetic Index to External Causes of Injury (E-Codes)  
Second Printing 1980  
World Health Organization, Geneva, Switzerland and National  
Center for Health Statistics, published in the United States of  
America by Edwards Brothers, Inc., Ann Arbor, Michigan.
- b) Federal Guidelines, Statutes and Regulations
  - 1) Federal Aviation Act of 1958, P.L. 85-726, 72 Stat. 731,  
Sections 307 and 309.
  - 2) 14 CFR Part 157 and Part 77, Subpart D (See Sections 540.70(h)  
and 540.80(i)).
- c) State of Illinois Statutes
  - 1) Hospital Licensing Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par.  
142 et seq.). (See Sections 540.20, 540.190(b)).
  - 2) Illinois Nursing Act (Ill. Rev. Stat. 1987, ch. 111, par. 3501  
et seq.). (See Sections 540.20, 540.70(e)(1)(B),  
540.70(e)(4)(B), 540.70(f)(2), 540.80(f)(1)(B), 540.80(f)(3)(B),  
540.80(g)(2)).

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

- 3) Medical Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 4400-1  
et seq.). (See Sections 540.70, 540.70(e)(1)(A),  
540.70(e)(4)(A), 540.70(f)(1), 540.80(f)(1)(A), 540.80(f)(3)(A),  
540.80(g)(1)).
- 4) Code of Civil Procedure (Ill. Rev. Stat. 1987, ch. 110, par.  
8-2101 et seq.). (See Section 540.190(a)).
- d) State of Illinois Regulations
  - 1) Aviation Safety Rules (92 Ill. Adm. Code 14.790, 14.792,  
14.795). (See Sections 540.70(h) and 540.80(f)).
  - 2) Rules of Practice and Procedure in Administrative Hearings (77  
Ill. Adm. Code 100). (See Section 540.140(b)).
- be) All incorporations by reference of federal rules and the standards  
of nationally recognized organizations refer to the regulations and  
standards on the date specified and do not include any additions or  
deletions subsequent to the date specified.  
(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
Section 540.40 Trauma Region Designation
  - a) THE DEPARTMENT SHALL ESTABLISH TRAUMA CENTER REGIONS CONSISTING OF  
GEOGRAPHIC AREAS WITHIN WHICH DESIGNATED TRAUMA CENTERS PROVIDE  
COORDINATED TRAUMA SERVICES. THE DEPARTMENT SHALL CONSIDER THE  
FOLLOWING FACTORS WHEN ESTABLISHING THESE REGIONS:
    - 1) GEOGRAPHIC DISTANCE FROM AVAILABLE TRAUMA CARE,
    - 2) TRANSPORTATION MODALITIES,
    - 3) POPULATION LOCATION AND DENSITY,
    - 4) THE NUMBER OF PREDICTED TRAUMA VICTIMS,
    - 5) HOSPITAL RESOURCES WITHIN THE AREA,
    - 6) EXISTING EMS SYSTEMS,
    - 7) HISTORICAL PATTERNS OF PATIENT REFERRAL,
    - 8) TRANSFER AND TRAUMA CARE WITHIN THE REGION,
    - 9) TRAUMA CENTERS RECOGNIZED BY THE DEPARTMENT PRIOR TO JANUARY 1,  
1988, AND
    - 10) RECOMMENDATIONS FROM LOCAL HEALTH AUTHORITIES.
 (Section 26 of the Act.)
  - b) The Department shall redesignate Trauma Regions under the following  
criteria:



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

- 1) when the criteria set forth in Section 540.40(a) indicate the existing region does not provide adequate services, or
- 2) Level I trauma services are needed to cover the Region, and
- 3) ~~Redesignation of Regions will cure deficiencies indicated.~~  
The Department shall base redesignation of Trauma Center Regions upon the criteria in subsection 540.40(a) above.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 540.50 Trauma Center Designation

THE DEPARTMENT SHALL ATTEMPT TO DESIGNATE A TRAUMA CENTER IN ALL AREAS OF THE STATE. A LEVEL I TRAUMA CENTER IS NOT REQUIRED TO BE LOCATED IN EACH TRAUMA REGION. EACH LEVEL I TRAUMA CENTER SHALL SERVE AS THE RESOURCE FOR ALL LEVEL II TRAUMA CENTERS IN THE TRAUMA REGIONS IT IS DESIGNATED TO SERVE. (Section 27(d) of the Act). ~~The Department shall designate as a Level I or Level II Trauma Center every hospital that satisfies the applicable standards. The Department shall designate as a Level I or Level II Trauma Center every hospital that satisfies the applicable standards. (Section 27 of the Act).~~

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 540.70 Level I Trauma Center Designation Criteria

- a) The Level I Trauma Center, under the direction of the Level I Trauma Center Medical Director, shall be responsible for the coordination and management of trauma care in the Trauma Region. This responsibility includes obtaining the cooperation of all Level II Trauma Centers, Affiliate Trauma Hospitals, and EMS Systems in the Trauma Region.
- b) The Trauma Center Medical Director shall be a trauma surgeon, American College of Surgeons board certified, with at least one year of experience in trauma care and with twenty-four (24) hour independent operating privileges.
- c) The Trauma Center shall provide a Trauma Service separate from the general surgery service, which is an identified hospital service functioning under a designated director and staffed by general or trauma surgeons with one year of experience in trauma, and who are available twenty-four (24) hours a day in-house. This requirement may be fulfilled by residents with a minimum of four (4) years of general surgery residency training with independent operating privileges, with a staff specialist on call and available within thirty (30) minutes.

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

- d) The Trauma Center shall provide the following surgical services within thirty (30) minutes:

- 1) Cardiothoracic;
- 2) Neurosurgical;
- 3) Obstetrics;
- 4) Orthopedic;
- 5) Reimplantation;
- 6) Vascular;
- 7) Ophthalmologic;
- 8) Oral-Dental;
- 9) Otorhinolaryngologic;
- 10) Plastic/Maxillofacial;
- 11) Urologic; and
- 12) Pediatric general surgery.

- e) The Trauma Center shall provide the following nonsurgical services within the designated times:

- 1) Emergency Medicine staffed twenty-four (24) hours a day in the Emergency Department by:

- A) A physician who has competency in trauma as demonstrated by:
  - i) board certification by the American Board of Emergency Medicine; or
  - ii) completion of twelve (12) months of internship, followed by sixty (60) months plus seven thousand (7,000) hours of hospital based Emergency Medicine (two thousand eight hundred (2800) of the seven thousand (7,000) hours must be completed within one twenty-four (24) month period), and fifty (50) hours of continuing medical education in Emergency Medicine for each complete year of practice; or
  - iii) completion of a residency in Emergency Medicine in a residency program approved by the Residency Review Committee for Emergency Medicine; and

- B) Registered Professional Nurses.

- 2) Anesthesiology Services:

- A) The anesthesiology service or department shall be supervised by anesthesiologists. "Supervise", for the purposes of this subsection, means to manage, control and direct the services performed, including being present in the trauma center and immediately available for



## ILLINOIS REGISTER

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

consultation while the services are being performed.

- B) Anesthesiology services shall be available twenty-four (24) hours a day in-house.

- C) Direct patient care services may be performed by an anesthesiologist or a certified registered nurse anesthetist (CRNA) acting under the direct supervision of an anesthesiologist.

3) Radiology staffed by:

- A) A technician with the ability to perform a computerized axial tomography (CAT) scan twenty-four (24) hours a day in-house; and

- B) A radiologist with the ability to read CAT scans and perform angiography available within thirty (30) minutes.

- 4) Intensive Care Medicine Unit having available twenty-four (24) hours a day in-house:

- A) A physician credentialed by the hospital. This requirement may be fulfilled by second and third year residents who have had adult intensive care training and are under the supervision of a staff physician possessing full adult intensive care privileges;

- B) Registered Professional Nurses; and

C) The following equipment:

- i) Airway control and ventilation devices;
- ii) Oxygen source with concentration controls;
- iii) Cardiac emergency cart;
- iv) Temporary transvenous pacemaker;
- v) Electrocardiograph-oscilloscope-defibrillator;
- vi) Cardiac output monitoring;
- vii) Electronic pressure monitoring;
- viii) Mechanical ventilator-respirators;
- ix) Patient weighing devices;
- x) Pulmonary function measuring devices;
- xi) Temperature control devices;
- xii) Drugs, intravenous fluids, and supplies in accordance with the Hospital Licensing Requirements 77 Ill. Adm. Code 250, specifically 250.1050, 250.2140, and 250.2710;
- xiii) Intracranial pressure monitoring devices;

## ILLINOIS REGISTER

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- xiv) Temporary pacemaker; and
- xv) Intra-aortic balloon pump capability.

- 5) Laboratory twenty-four (24) hours a day in-house, providing the following:

- A) Standard analysis of blood, urine, and other body fluids;
- B) Blood typing and cross-matching;
- C) Coagulation studies;
- D) Comprehensive blood bank or access to a community central blood bank and adequate hospital storage facilities (see Hospital Licensing requirements, 77 Ill. Adm. Code 250, specifically 250.520);
- E) Blood gases and pH determinations;
- F) Microbiology, to include the ability to initiate aerobic and anaerobic cultures on a 24 hour per day basis; and
- G) Drug and alcohol screening.

- 6) Cardiology -- sixty (60) minutes;
- 7) Internal Medicine -- sixty (60) minutes;
- 8) Neuroradiology staffed by a radiologist with the ability to read CAT scans and perform angiography -- thirty (30) minutes;
- 9) Pediatrics -- sixty (60) minutes;
- 10) Postanesthetic recovery room twenty-four (24) hours a day;
- 11) Acute hemodialysis capability twenty-four (24) hours a day or a transfer agreement;
- 12) Burn center staffed by Registered Nurses trained in burn care twenty-four (24) hours a day or a transfer agreement;
- 13) Acute spinal cord injury management twenty-four (24) hours a day or a transfer agreement; and
- 14) Reimplantation service within thirty (30) minutes, or a transfer agreement.

- f) The Trauma Center shall meet the following professional staff requirements:

- 1) The Emergency Department Director shall be a physician board certified by the American Board of Emergency Medicine;
- 2) The nurses in charge on each shift in the Emergency Department and the Trauma Service shall be Registered Nurses with at least two years of experience in trauma care. This staffing requirements for the Trauma Service shall be based upon the average census and acuity, as determined by historical trends and patterns. Staffing shall be at least one Registered Nurse who has completed the Trauma Nurse Specialist Course or a Department-approved equivalent, and a recognized course in



## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

advanced cardiac care, such as the American Heart Association's Advanced Cardiac Life Support Class, for every per average trauma patient indicated by the average census and acuity, and who have completed the trauma-nurse-specialist-course-and-a recognized course in advanced cardiac care, such as the American Heart Association's for the trauma-service-shall-be-based-upon the average census and acuity, as determined by historical trends and patterns. Staffing shall be at least one-registered nurse-for-every-per-average-trauma-patient-indicated-by-the average census and acuity. This staffing requirement for the Trauma Service shall be exclusive of the charge nurses and the staffing of the Emergency Department. In addition, this requirement in no way limits the utilization of the nursing staff assigned to the Trauma Service in the Emergency Department when the nursing staff is not needed in the Trauma Service; and

- 3) An operating room shall be staffed in-house and available twenty-four (24) hours a day.
- g) The Trauma Center shall provide and maintain the following equipment:
  - 1) Airway control and ventilation equipment including laryngoscopes and endotracheal tubes of appropriate sizes, bag-mask, resuscitator, sources of oxygen, and mechanical ventilator;
  - 2) Suction device;
  - 3) Electrocardiograph-oscilloscope-defibrillator;
  - 4) Apparatus to establish central venous pressure monitoring;
  - 5) All standard intravenous fluids and administration devices, including normal saline, half normal saline, lactated ringers, macro drop, micro drop, blood tubing, blood pump and intravenous catheters.
  - 6) Sterile surgical sets of procedures standard for ED, such as cricothyrotomy, tracheostomy, thoracostomy, thoracostomy, and cut down;
  - 7) Gastric lavage equipment;
  - 8) Drugs and supplies necessary for emergency care;
  - 9) X-ray and CAT scan capability, 24 hour coverage by in-house technicians;
  - 10) Spinal immobilization equipment;
  - 11) Temporary pacemaker; and
  - 12) Specialized pediatric resuscitation cart in the Emergency Area.

h) THE TRAUMA CENTER MUST PROVIDE HELICOPTER LANDING CAPABILITIES APPROVED BY STATE AND FEDERAL AUTHORITIES. {See, Aviation-Safety, 92-Ill-Adm-Code-14-and-Certification-and-Operations,--Land-airports serving certain air-carriers, 14-CFR-139,--Subparts-F-and-G-1987,--(Section-27(a)(13)-of-the-Act.) (Section 27(a)(13) of the Act).

The helicopter landing capabilities shall:

- 1) Comply with the Aviation Safety Rules of the Illinois Department of Transportation (92 Ill. Adm. Code 14.790, 14.792, 14.795);
- 2) Be covered by a favorable airspace determination letter issued by the Federal Aeronautics Administration pursuant to Sections 307 and 309 of the Federal Aviation Act of 1958, and 14 CFR Part 157 and Part 77, Subpart D; and
- 3) Be provided on the campus of the Trauma Center.
  - i) The Trauma Center shall perform medical audits of its trauma services quarterly, the results of which shall be forwarded to the Department.
  - j) The Trauma Center shall provide a proposed Trauma Region Plan which shall include the following:
    - 1) The protocols for treating patients in the Level I Trauma Center;
    - 2) The protocols for transferring trauma patients to more specialized care;
    - 3) Procedures for the development, maintenance and updating of region wide protocols as required in Section 540.90 of this Part;
    - 4) Recommendations for Level II Trauma Center designations and Affiliate Trauma Hospitals to serve the Trauma Region;
    - 5) Sample agreements with the recommended hospitals outlining their respective responsibilities in providing Trauma Services and the integration of communications in the Trauma Region;
    - 6) Sample agreements with all EMS systems providing services within the Trauma Region to assure integration of communications and transportation;
    - 7) A disaster preparedness plan which explains the actions and responsibilities of the Level I Trauma Center, the EMS systems, the recommended Level II Trauma Centers and the recommended Affiliate Trauma Hospitals within the Trauma Region. This may incorporate or consist of existing Disaster Plans; and
    - 8) The procedures for reviewing the medical audits performed by Level II Trauma Centers within the Trauma Regions to assure compliance with the written agreements required by Section 540.90 of this Part.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 540.80 Level II Trauma Center Designation Criteria

- a) A Level II Trauma Center, under the direction of a Level II Trauma Center Medical Director, shall be responsible for providing trauma care in accordance with the Trauma Region Plan.
- b) The Trauma Center Medical Director shall be a trauma surgeon, American College of Surgeons board certified in surgery, with at least one year of experience in trauma care and with twenty-four (24) hour independent operating privileges.
- c) The Trauma Center shall provide a Trauma Service, which is an identified hospital service functioning under a designated director and staffed by general or trauma surgeons with one year of experience in trauma, and who are available within thirty (30) minutes.
- d) The Trauma Center shall provide the following surgical services within sixty (60) minutes:
  - 1) Cardiothoracic;
  - 2) Obstetrics;
  - 3) Orthopedic; and
  - 4) Urologic.

- e) The Trauma Center shall provide the following surgical services within sixty (60) minutes or by transfer agreement:
  - 1) Neurologic;
  - 2) Ophthalmologic;
  - 3) Oral-Dental;
  - 4) Otorhinolaryngologic;
  - 5) Replantation; and
  - 6) Plastic/Maxillofacial.

- f) The Trauma Center shall provide the following nonsurgical services within the designated times:
  - 1) Emergency Medicine staffed twenty-four (24) hours a day in the Emergency Department by:
    - A) A physician who has competency in trauma as demonstrated by:
      - i) board certification by the American Board of Emergency Medicine; or
      - ii) completion of twelve (12) months of internship,

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

followed by sixty (60) months plus seven thousand (7,000) hours of hospital based Emergency Medicine (two thousand eight hundred (2800) of the seven thousand (7,000) hours must be completed within one twenty-four (24) month period), and fifty (50) hours of continuing medical education in Emergency Medicine for each complete year of practice; or

- iii) completion of a residency in Emergency Medicine in a residency program approved by the Residency Review Committee for Emergency Medicine; and

- B) Registered Professional Nurses.

## 2) Anesthesiology Services:

- A) Anesthesiology services shall be in compliance with the Hospital Licensing Act, (Ill. Rev. Stat. 19851987, ch. 111 1/2, par. 142 et seq.) and the Hospital Licensing Requirements, 77 Ill. Adm. Code 250.1410. Such services shall be available within thirty (30) minutes.

- B) Direct patient care services may be performed by an anesthesiologist or a certified registered nurse anesthetist (CRNA).

- 3) Laboratory -- twenty-four (24) hours a day in-house, providing the following:
  - A) Standard analysis of blood, urine, and other body fluids;
  - B) Blood typing and cross-matching;
  - C) Coagulation studies;
  - D) Comprehensive blood bank or access to a community central blood bank and adequate hospital storage facilities (See Hospital Licensing requirements, 77 Ill. Adm. Code 250, specifically 250.520);
  - E) Blood gases and pH determinations;
  - F) Microbiology, to include the ability to initiate aerobic and anaerobic cultures on a 24 hour per day basis; and
  - G) Drug and alcohol screening.

- 4) Radiology staffed by:
  - A) A technician with the ability to perform a CAT scan available within thirty (30) minutes; and
  - B) A radiologist with the ability to read CAT scans and perform angiography available within sixty (60) minutes.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 5) Cardiology -- sixty (60) minutes;
- 6) Internal Medicine -- sixty (60) minutes;
- 7) Postanesthetic recovery room staffed and available within thirty (30) minutes.
- 3) Intensive Care Medicine Unit having available the following:
  - A) A physician credentialed by the hospital and available within thirty (30) minutes. This requirement may be fulfilled by second and third year residents who have had adult intensive care training and are under the supervision of a staff physician possessing full adult intensive care privileges;
  - B) Registered Professional Nurses twenty-four (24) hours a day in the Intensive Care Unit; and
  - C) The following equipment twenty-four (24) hours a day in-house:
    - i) Airway control and ventilation devices;
    - ii) Oxygen source with concentration controls;
    - iii) Cardiac emergency cart;
    - iv) Temporary transvenous pacemaker;
    - v) Electrocardiograph-oscilloscope-defibrillator;
    - vi) Pulmonary function measuring devices;
    - vii) Temperature control devices;
    - viii) Drugs, intravenous fluids, and supplies in accordance with the Hospital Licensing Requirements 77 Ill. Adm. Code 250, specifically 250.1050, 250.2140, and 250.2710;
    - ix) Temporary pacemaker;
    - x) Mechanical ventilator-respirators; and
    - xi) Patient weighing devices.
- 9) Pediatrics -- sixty (60) minutes;
- 10) Acute hemodialysis capability twenty-four (24) hours a day or a transfer agreement;
- 11) Burn center staffed by Registered Nurses trained in burn care twenty-four (24) hours a day or a transfer agreement; and
- 12) Acute spinal cord injury management twenty-four (24) hours a day or a transfer agreement.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- g) The Trauma Center shall meet the following professional staff requirements:
  - 1) The Emergency Department Director shall be a physician board certified by the American Board of Emergency Medicine, or a physician that has completed 12 months of internship, followed by 60 months plus 7,000 hours of hospital based Emergency Medicine (2800 of the 7,000 hours must be completed within one twenty-four (24) month period), and 50 hours of continuing medical education in Emergency Medicine for each complete year of practice, or a physician that has completed a residency program approved by the Residency Review Committee for Emergency Medicine;
  - 2) The nurse in charge on each shift in the Emergency Department and for the Trauma Service shall be a Registered Nurse. The staffing requirements for the Trauma Service shall be based upon the average census and acuity, as determined by historical trends and patterns. Staffing shall be at least one Registered Nurse who has completed the Trauma Nurse Specialist Course or a Department-approved equivalent, and a recognized course in advanced cardiac care, such as the American Heart Association's Advanced Cardiac Life Support class, for every per average trauma patient indicated by the average census and acuity. who has completed the Trauma Nurse Specialist Course and a recognized course in advanced cardiac care, such as the American Heart Association's Advanced Cardiac Life Support class, for every per average trauma patient indicated by the average census and acuity. The staffing requirements for the Trauma Service shall be based upon the average census and acuity, as determined by historical trends and patterns. Staffing shall be at least one Registered Nurse for every per average trauma patient indicated by the average census and acuity. This staffing requirement for the Trauma Service shall be exclusive of the charge nurses and the staffing of the Emergency Department. In addition, this requirement in no way limits the utilization of the nursing staff assigned to the Trauma Service in the Emergency Department when the nursing staff is not needed in the Trauma Service; and
  - 3) An operating room shall be staffed and available within thirty (30) minutes twenty-four (24) hours a day.
- h) The Trauma Center shall provide and maintain the following equipment:
  - 1) Airway control and ventilation equipment including laryngoscopes and endotracheal tubes of appropriate sizes, bag-mask,



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- resuscitator, sources of oxygen, and mechanical ventilator;  
 2) Suction device;  
 3) Electrocardiograph-oscilloscope-defibrillator;  
 4) Apparatus to establish central venous pressure monitoring;  
 5) All standard intravenous fluids and administration devices, including normal saline, half normal saline, lactated ringers, macro drop, micro drop, blood tubing, blood pump and intravenous catheters;  
 6) Sterile surgical sets of procedures standard for ED, such as cricothyrotomy, tracheostomy, thoracotomy, thoracostomy, and cut down;  
 7) Gastric lavage equipment;  
 8) Drugs and supplies necessary for emergency care;  
 9) X-ray and CAT scan capability, available within thirty (30) minutes;  
 10) Spinal immobilization equipment;  
 11) Temporary pacemaker; and  
 12) Specialized pediatric resuscitation cart in the Emergency Area.

- i) THE TRAUMA CENTER MUST PROVIDE HELICOPTER LANDING CAPABILITIES APPROVED BY STATE AND FEDERAL AUTHORITIES. (See: Aviation-Safety, 92-111-Adm-Code-14-and-Certification-and-operations--Land-Airports serving-certain-air-carriers--14-CFR-139--Subparts-F-and-G-1987) (Section-27(b)(13)-of-the-Act). (Section 27(a)(13) of the Act).  
 The helicopter landing capabilities shall:

- 1) Comply with the Aviation Safety Rules of the Illinois Department of Transportation 192 Ill. Adm. Code 14.790, 14.792, 14.795;
  - 2) Be covered by a favorable airspace determination letter issued by the Federal Aeronautics Administration pursuant to Sections 307 and 309 of the Federal Aviation Act of 1958, and 14CFR Part 157 and Part 77, Subpart D; and
  - 3) Be provided on the campus of the Trauma Center.
- j) The Trauma Center shall perform medical audits of its trauma services quarterly, the results of which shall be forwarded to the Department and to the Level I Trauma Center serving the Trauma Region; and
- k) The Trauma Center shall provide annually written protocols concerning the following:
- 1) The treatment of trauma patients in the Trauma Center; and
  - 2) The transfer of trauma patients to the Level I Trauma Center serving the Trauma Region or a more specialized level of care.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 540.90 Trauma Region Plan

- a) Within six (6) months of designation by the Department, the Level I Trauma Center serving a Trauma Region shall submit to the Department a Trauma Region Plan. If more than one Level I Trauma Center serves a Trauma Center Region, then the Level I Trauma Centers must establish and implement an agreement of cooperation for the review and coordination of services within the Trauma Center Region.
- b) THE LEVEL I TRAUMA CENTER SHALL ASSEMBLE A COMMITTEE WHICH SHALL DEVELOP THE TRAUMA REGION PLAN. THE COMMITTEE SHALL CONSIST OF:
- 1) THE TRAUMA REGION'S LEVEL I TRAUMA CENTER MEDICAL DIRECTOR;
  - 2) THE TRAUMA REGION'S LEVEL II TRAUMA CENTER MEDICAL DIRECTORS;
  - 3) THE PROJECT MEDICAL DIRECTORS FROM ALL THE EMS SYSTEMS WITHIN THE TRAUMA REGION;
  - 4) THE PROJECT MEDICAL DIRECTORS FROM ALL EMS SYSTEMS OUTSIDE THE TRAUMA REGION WHICH TRANSFER PATIENTS INTO THE TRAUMA REGION;
  - 5) ADMINISTRATORS OF THE ASSOCIATE HOSPITALS OF THE EMS SYSTEM OF WHICH THE PREHOSPITAL CARE PROVIDER IS A PART;
  - 6) NURSING DIRECTORS OF THE ASSOCIATE HOSPITALS OF THE EMS SYSTEM OF WHICH THE PREHOSPITAL CARE PROVIDER IS A PART. (Section 27e of the Act).

- c) The Trauma Region Plan shall include but not be limited to the following:
- 1) Protocols addressing the following:
    - A) The treatment of trauma patients in each Trauma Center in the Trauma Region;
    - B) The evaluation and identification of when patients shall be transported to a Trauma Center, Affiliate Trauma Hospital, or other hospital;
    - C) The bypassing of any level Trauma Hospital;
    - D) The transfer of trauma patients to a Level I Trauma Center or to more specialized care;
    - E) Field triage;
    - F) Hospital triage;



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

- G) Medical/legal issues; and
- H) Local conflict mediation.
- 2) Written agreements addressing the following:
- A) The respective responsibilities of the Level I Trauma Center, the Level II Trauma Centers, the Affiliate Trauma Hospitals and the EMS Systems within the Trauma Region in providing integrated trauma services, transportation and communications; and
- B) The respective responsibilities of EMS Systems and hospitals providing specialty care outside of the Trauma Region in providing trauma patient care.
- 3) A Disaster Preparedness Plan which includes the actions and responsibilities of the Level I Trauma Center, the Level II Trauma Centers, the Affiliate Trauma Hospitals and the EMS Systems within the Trauma Region;
- 4) A program for conducting a quarterly conference which shall include at a minimum a discussion of morbidity and mortality between all professional staff involved in the care of trauma patients at all Trauma Centers and Affiliate Trauma Hospitals; and
- 5) A program for informing all participants involved in the care of trauma patients within the Trauma Region of field triage treatment protocols and all other aspects of the Trauma Region Plan.

d) 1) The Revised Trauma Score, as specified by the American Trauma Society, shall be used in all Trauma Regions. The Revised Trauma Score is determined by using the following criteria:

A) Respiratory Rate	Value	Points
	10-24/min.	4
	25-35/min.	3
	36/min. or greater	2
	1-9/min.	1
	none	0
B) Respiratory Effect	Normal	1
	Retractive/None	0

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF PROPOSED AMENDMENTS

C) Systolic Blood Pressure

90 or greater	4
70-90	3
50-69	2
0-49	1
No Pulse	0

D) Glasgow Coma Scale

1) Eye Opening Response

Spontaneous	4
To Voice	3
To Pain	2
None	1

2) Best Verbal Response

Oriented	5
Confused	4
Inappropriate Words	3
Incomprehensible Sounds	2
None	1

3) Best Motor Response

Obeys Commands	6
Localizes (Pain)	5
Withdraws (Pain)	4
Flexion (Pain)	3
Extension (Pain)	2
None	1

Total GCS Points = D

(1+2+3)	14-15 = 5
	11-13 = 4
	8-10 = 3
	5-7 = 2
	3-4 = 1

Revised Trauma Score

(Total Points A+B+C+D)

- 2) Each Trauma Region may include other criteria in addition to the Revised Trauma Score in defining a trauma patient and specifying where trauma patients should be transported according to the severity of the injury.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## Section 540.160 Compensatory Provisions for Medical Shortage Areas

THE DEPARTMENT'S STANDARDS FOR LEVEL-I TRAUMA CENTERS MAY INCLUDE COMPENSATORY PROVISIONS FOR SUCH TRAUMA SERVICES THE DEPARTMENT MAY ESTABLISH ALTERNATIVE STANDARDS FOR THE DESIGNATION OF LEVEL I TRAUMA CENTERS IN CERTAIN MEDICAL SHORTAGE AREAS OF THE STATE AS DESIGNATED BY THE DEPARTMENT IN WHICH ALL REQUIREMENTS FOR OPTIMUM TRAUMA CARE CANNOT BE IMMEDIATELY ACHIEVED OR IMPLEMENTED DUE TO SIGNIFICANT RESOURCE LIMITATIONS. (Section 27(c) of the Act).

- a) Medical shortage area designation and specific compensatory provisions may be requested by submitting a written proposal to the Department. Any written proposal shall include a detailed description of the procedure(s) to be used in lieu of the requirements of the rules of this Part, a detailed description of the reasons the facility qualifies as a medical shortage area, and a detail description of the compensatory provisions that are necessary and how specifically requested compensatory provisions will provide a standard of care equivalent to that provided by the rules of this Part.

- 1) The Department shall utilize the following criteria to determine whether a particular area of the State is a medical shortage area:

- A) number of physicians and their subspecialties in the area;
- B) number of traumatic deaths in hospitals in the area;
- C) number of trauma patients in the area;
- D) number of patients transferred from the area;
- E) number of trauma injuries in the pre-hospital care setting; and
- F) more than seventy-five (75) miles from a designated Level I Trauma Center

- 2) The capability of the alternative procedure(s) to provide an orderly, efficient, and safe provision trauma services which ensure quality of care equivalent to that provided by the rules of this Part shall be the basis for approval or denial of the request for approval of a compensatory provision.

- b) The Department shall notify the applicant in writing of its decision to either grant or deny the request for designation as a medical shortage area and approval of specific compensatory provisions within 60 days of receipt of the request.

(Source: Amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 540.190 Confidentiality and Immunity

- a) ALL INFORMATION CONTAINED IN OR RELATING TO ANY MEDICAL AUDIT PERFORMED BY A TRAUMA CENTER OF ITS TRAUMA SERVICES OR THE TRAUMA SERVICES OF ANOTHER HOSPITAL PURSUANT TO SECTION 27 OF THE ACT SHALL BE AFFORDED THE SAME STATUS AS IS PROVIDED INFORMATION CONCERNING MEDICAL STUDIES IN ARTICLE VIII, PART 21 OF THE CODE OF CIVIL PROCEDURE, AS AMENDED. (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 142 et seq.) (Section 27.1(a) of the Act).

- b) HOSPITALS AND INDIVIDUALS THAT PERFORM OR PARTICIPATE IN MEDICAL AUDITS OF TRAUMA CENTERS PURSUANT TO SECTION 27 OF THE ACT SHALL BE IMMUNE FROM CIVIL LIABILITY TO THE SAME EXTENT AS PROVIDED IN SECTION 10.2 OF THE HOSPITAL LICENSING ACT, AS AMENDED. (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 142 et seq.) (Section 27.1(b) of the Act).

(Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF REHABILITATION SERVICES

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Sequential Evaluation Process for the Determination of Disability

Telephone number: (217) 785-3896  
T.D.D.: (217) 782-5734

2) Code Citation: 89 Ill. Adm. Code 845

3) Section Numbers: 845.40  
Proposed Action: new section

4) Statutory Authority: Implementing Section 3(a) and authorized by Section 3(k) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, as amended by Public Act 85-1351, ch. 23, pars. 3434(a) and (k)).

5) A Complete Description of the Subjects and Issues Involved: These amendments set forth the Department's policies and procedures for the Bureau of Disability Determination Services for Sequential Evaluation Process for the Determination of Disability as set forth in Part 845.

6) Will proposed amendments replace an emergency rule currently in Effect:  
No

7) Do these amendments contain an automatic repeal date? Yes ☒ No ☐  
If "yes," please specify the date:

8) Do these proposed amendments contain incorporations by reference? Yes

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: None

11) Time, Place, and Manner in which interested persons may comment on these proposed amendments: All persons who submit a written request to comment within fourteen (14) days after this notice has been published shall be given a reasonable opportunity to submit date, views, argument or comments about these amendments. All such submissions shall be made within forty-five (45) days after this notice has been published. Any comments submitted within forty-five (45) days after this notice has been published will be considered by the Department. All requests and comments should be submitted in writing to:

Ms. Leigh Reed  
Regulations and Procedures Section  
Department of Rehabilitation Services  
P.O. Box 19429  
Springfield, Illinois 62794-9429

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis: The Department has reviewed these amendments and found that they have no impact on small business.

The full text of the Proposed Amendments begins on the next page:



## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES  
SUBCHAPTER 9: BUREAU OF DISABILITY DETERMINATION SERVICES

## PART 845

## SEQUENTIAL EVALUATION PROCESS FOR THE DETERMINATION OF DISABILITY

## Section

- 845.10 Definitions  
845.20 Steps of Sequential Evaluation  
845.30 Multiple Impairments  
845.40 Evaluation of Pain and Other Symptoms

AUTHORITY: Implementing Section 3(a) and authorized by Section 3(k) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, as amended by Public Act 85-1351, Ch. 23, pars. 3434(a) and 3434(k)).

SOURCE: Adopted at 10 Ill. Reg. 19764, effective November 6, 1986; peremptory amendment at 12 Ill. Reg. 5467, effective 2/25/88; amended at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 845.40 Evaluation of Pain and Other Symptoms

- a) The Bureau incorporates the criteria for the evaluation of pain and other symptoms specified in the Code of Federal Regulations 20 CFR 404.1508, 20 CFR 404.1528, 20 CFR 404.1529, 20 CFR 416.908, 20 CFR 416.928, and 20 CFR 416.929 revised April, 1988, the Program Operations Manual System 22511.000 as amended August 1988, DI 24510.000 as amended January 1986, DI 24515.060 as amended October 1986, DI 24525.000 as amended September 1987, DI 24540.000 as amended February 1989, DI 24575.000 as amended February 1988, DI 24580.000 as amended February 1988, and DI 25005.000 as amended January 1986, Social Security Ruling 82-51 (Titles II and XVI: Guidelines for Residual Functional Capacity Assessment in Musculoskeletal and Cardiovascular Impairments), 82-53 (Titles II and XVI: Basic Disability Evaluations Guides), 82-55 (Titles II and XVI: Medical Impairments That are Not Severe), 82-58 (Titles II and XVI: Evaluations of Symptoms), 83-19 (Titles II and XVI: Finding Disability on the Basis of Medical Considerations Alone - The Listing of Impairments and Medical Equivalency), and 88-13 (Titles II and XVI: Evaluation of Pain and Other Symptoms).

- b) The Bureau will consider the evaluation of pain and other symptoms in regard to the Listing of Impairments as described in 89 Ill. Adm. Code 860 (Listing of Impairments).

Source: Added at 13 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Day Care
- 2) Code Citation: 89 Ill. Adm. Code 1300
- 3) Section Number: Adopted Action:  
1300.340 Amended
- 4) Statutory Authority: Implementing the State Agency Employees Child Care Services Act (Ill. Rev. Stat. 1987, ch. 127, pars. 3004 et seq.).
- 5) Effective Date of Amendment(s): March 28, 1989
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: March 28, 1989
- 9) Notice of Proposal Published in Illinois Register:  
November 18, 1988, 12 Ill. Reg. 19223
- 10) Has JCAR issued a Statement of Objections to these rules? No.
- 11) Differences between proposal and final version:  
Section 1300.340 was rewritten as follows:  
After considering the recommendations of the Committee, the Director of the State Agency shall select a vendor to provide Child Care Services. Such selection shall be based on the criteria contained in Section 1300.320 and shall also include consideration of the recommendation of the Committee.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will this amendment replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendment: Public Act 85-1337 mandated the amendment. The change delineates the standards to be used by Agencies in selecting Child Care Services vendor.



ILLINOIS REGISTER  
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES  
NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding this adopted amendment shall be directed to:

John Brazaitis  
Department of Central Management Services  
720 Stratton Building  
Springfield, Illinois 62706  
217-782-9669

The full text of the Adopted Amendments begin on the next page.

## ILLINOIS REGISTER

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES  
NOTICE OF ADOPTED AMENDMENT  
TITLE 89: SOCIAL SERVICES  
CHAPTER XI: DEPARTMENT OF CENTRAL MANAGEMENT SERVICESPART 1300  
DAY CARE

## SUBPART A: GENERAL

Section  
1300.110 Summary  
1300.120 Definitions  
1300.130 Application

## SUBPART B: DETERMINATION OF NEED

Section  
1300.200 Request for Child Care Services  
1300.210 Determination of Need  
1300.220 Recommendation to Director  
1300.230 Director's Determination  
1300.240 Assistance of the Department

## SUBPART C: REQUEST FOR PROPOSAL AND AWARD

Section  
1300.300 Request for Proposal  
1300.310 Minimal Requirement for Request for Proposal  
1300.320 Evaluation of Proposal  
1300.330 Evaluation by Committee  
1300.340 Selection by Director

AUTHORITY: Implementing the State Agency Employees Child Care Services Act (Ill. Rev. Stat. 1987, ch. 127, pars. 3001 et seq.) and authorized by Sections 67.06 and 67.24 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, pars. 63b13.6 and 63b13.24).

SOURCE: Emergency Rules adopted at 10 Ill. Reg. 7926, effective May 1, 1986, for a maximum of 150 days; emergency expired September 28, 1986; adopted at 11 Ill. Reg. 8930, effective April 27, 1987; amended at 13 Ill. Reg. 4644, effective March 28, 1989.

## Section 1300.340 Selection by Director

After considering the recommendations of the Committee, the Director of the State Agency shall select a vendor to provide Child Care Services. Such selection shall be based on the criteria contained in Section 1300.320 and shall give due weight to the recommendation of the Committee. The Committee shall also include consideration of the recommendation of the Committee.



## ILLINOIS REGISTER

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

(Source: Amended at 13 Ill. Reg. 4644, effective March 28, 1989 )

## ILLINOIS REGISTER

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED REPEALER

1) The Heading of the Part: Charitable Contributions

2) Code Citation: 83 Ill. Adm. Code 325

3) Section Numbers:

325.5

Repealed

325.10

Repealed

325.20

Repealed

Adopted Action:

4) Statutory Authority: Implementing Sections 9-201 and 9-227 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 9-201, 9-227, and 10-101).

5) Effective Date of Repealer: April 1, 1989

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this repealer contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: March 22, 1989

9) Notice of Proposal in Illinois Register:

November 14, 1988 at 12 Ill. Reg. 18021

10) Has JCAR issued a Statement of Objection to this repealer?  
No.

11) Differences between proposal and final version:

None.

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes necessary.

13) Will this repealer replace an emergency repealer currently in effect? No.

14) Are there any amendments pending on this Part? No.



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED REPEALER

15) Summary and Purpose of Repealer: Part 325 set out guidelines for the treatment by the Commission of charitable contributions made by public utilities. Section 9-227 of The Public Utilities Act was amended to prohibit the Commission from adopting such guidelines. Repeal of the Part is appropriate.

16) Information and questions regarding this adopted repealer shall be directed to:

Conrad Rubinkowski  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, Illinois 62706  
(217)785-3922

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Designation of Agent  
2) Code Citation: 83 Ill. Adm. Code 215  
3) Section Numbers: Adopted Action:

215.10  
215.30

Amendment  
Amendment

4) Statutory Authority: Implementing Section 4-101 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 4-101 and 10-101).

5) Effective Date of Amendments: April 1, 1989

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these amendments contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: March 22, 1989

9) Notice of Proposal in Illinois Register:

November 14, 1988 at 12 Ill. Reg. 18026

10) Has JCAR issued a Statement of Objection to these amendments?  
No.

11) Differences between proposal and final version:

Section 215.30: "the" deleted after "as provided by."

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No  
Changes necessary.

13) Will these amendments replace an emergency amendment currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: The adopted amendments update the language of the rules to reflect amendment of The Public Utilities Act and eliminate obsolete references.



ILLINOIS COMMERCE COMMISSION  
NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding these adopted amendments shall be directed to:

Conrad Rubinkowski  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, Illinois 62706  
(217)785-3922

The full text of Adopted Amendments begins on the next page:

ILLINOIS COMMERCE COMMISSION  
NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER b: PROVISIONS APPLICABLE TO MORE THAN ONE KIND OF UTILITY

PART 215  
DESIGNATION OF AGENT UPON WHOM SERVICE OF ALL NOTICES  
AND PROCESS MAY BE MADE  
(GENERAL ORDER 37)

## Section

215.10 Designation of Agent  
215.20 Out-of-State for Foreign Corporations  
215.30 Service of Process, Notices or Demands  
215.40 Filing of Name and Address of Chief Executive Officer  
215.50 Report of Change of Executive Officer or Agent

AUTHORITY: Implementing Section 4-101 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 4-101 and 10-101).

SOURCE: Filed and effective December 7, 1973; codified at 8 Ill. Reg. 12181; amended at 13 Ill. Reg. 4650, effective April 1, 1989.

## Section 215.10 Designation of Agent

Every public utility subject to the provisions of the Public Utilities Act ("Act") (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 1-101 et seq.) ~~except motor vehicles subject to regulation under the provisions of "The Illinois Motor Carrier Property Law," (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 10-100 et seq.)~~ shall annually designate in writing (on a form prescribed by the Illinois Commerce Commission ("Commission")) an agent within the State of Illinois upon whom service of all process, notices and demands may be had for and on behalf of ~~said~~ the public utility, in any proceeding before the ~~Illinois Commerce Commission~~ and Each public utility shall file such the designation in the office of the Chief Clerk of ~~said~~ the Commission at Springfield, Illinois, after January 1 and prior to January 31 of each year. For purposes of this Part, "public utility" includes all telecommunications carriers as defined in Section 13-202 of the Act.

(Source: Amended at 13 Ill. Reg. 4650, effective April 1, 1989)



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

Section 215.30 Service of Process, Notices or Demands

Service of all process, notices or demands may be made upon such a public utility by mailing, as provided by the Public Utilities Act 83 Ill. Adm. Code 200.150, a copy thereof to such the utility's designated agent within the State of Illinois at the address designated.

(Source: Amended at 13 Ill. Reg. 4650, effective April 1, 1989)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULE

1) The Heading of the Part: Motor Carrier of Property Fitness Standards

2) Code Citation: 92 Ill. Adm. Code 1304

3) Section Numbers: Adopted Action:

1304.10

New Section

4) Statutory Authority: Implementing Section 18c-4204a and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 18c-4204a and 18c-1202).

5) Effective Date of Rule: April 1, 1989

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this rule contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: March 22, 1989

9) Notice of Proposal in Illinois Register:

August 19, 1988, 12 Ill. Reg. 13381

10) Has JCAR issued a Statement of Objection to this rule? No.

11) Differences between proposal and final version:

Section 1304.10: "Illinois Commerce" added.

Section 1304.10(a): Original subsection (a) deleted, remaining subsections redesignated accordingly.

Section 1304.10(c): Now designated "Safety record." Subsection renumbered internally, with new subsection (c)(2) added.

Section 1304.10(d): Last sentence added.

Section 1304.10(f): New subsection.

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULE

13) Will this rule replace an emergency rule currently in effect?  
No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Rule: Section 18c-4204a of the Illinois Commercial Transportation Law requires the Commission to adopt and implement standards for determining fitness to hold or continue to hold a motor carrier of property license. Part 1304 contains these standards.

16) Information and questions regarding this adopted rule shall be directed to:

Conrad Rubinkowski  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, Illinois 62706  
(217)785-3922

The full text of Adopted Rule begins on the next page:

## ILLINOIS REGISTER

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULE

TITLE 92: TRANSPORTATION  
CHAPTER III: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER b: MOTOR CARRIERS OF PROPERTY

## PART 1304

## MOTOR CARRIER OF PROPERTY FITNESS STANDARDS

Section  
1304.10 Fitness Standards

AUTHORITY: Implementing Section 18c-4204a and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 18c-4204a and 18c-1202).

SOURCE: Adopted at 13 Ill. Reg. 4654, effective April 1, 1989)

Section 1304.10 Fitness Standards

The applicant shall present clear and convincing evidence by information contained in the application for authority, personal testimony, and testimony of supporting shippers, that fitness has been established for the issuance of the requested authority. In determining whether the applicant is fit to operate as an intrastate motor carrier of property, the Illinois Commerce Commission shall consider the following factors:

- a) Whether the applicant possesses, or can acquire, equipment and facilities of a type required for the transport of the commodities requested as evidenced by a description, submitted with the application, of the equipment to be used by the applicant in the conduct of intrastate transportation (which shall include equipment which is currently owned by the applicant, leased by the applicant, or is to be otherwise acquired by the applicant);
- b) Whether the applicant has established a safety, training, and maintenance program, including any policies regarding traffic citations issued against drivers and any refresher/remedial training courses required of drivers;
- c) Safety record
- 1) The applicant's safety record as evidenced by a certification or record from the Bureau of Motor Carrier Safety of the United States Department of



ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULE

Transportation, the Illinois Department of Transportation, or the appropriate regulatory body of another state, setting forth:

- A) any motor carrier safety citations issued against the applicant during the three years preceding application; and
- B) whether the file contains any record of any disciplinary action, taken or pending, during the three years preceding application;
- 2) The Commission will examine citations and disciplinary actions to determine whether a pattern of violations exists and to review the severity of the violations.
- d) The conviction of the applicant of a crime punishable by death or imprisonment in excess of one year under the law under which he was convicted, or a crime involving dishonesty or false statement regardless of the punishment. The Commission will consider the type of crime, when the crime occurred, and the age of the applicant at the time of the incident;
- e) For purposes of subsection (d) "applicant" shall mean proprietor(s), partners, or, in the case of a corporation, the directors, the corporate officers, and anyone holding in excess of 10% of the corporation's voting stock.
- f) Financial condition of the applicant as represented by the completed financial statement (Supporting Document FIS, consisting of balance sheet and projected income statement) included with the application.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

- 1) The Heading of the Part: Practice Before the Independent Review Board
- 2) Code Citation: 92 Ill. Adm. Code 1235
- 3) Section Numbers: Adopted Action:
  - 1235.10 New Section
  - 1235.15 New Section
  - 1235.20 New Section
  - 1235.25 New Section
  - 1235.30 New Section
  - 1235.35 New Section
  - 1235.40 New Section
  - 1235.45 New Section
  - 1235.50 New Section
  - 1235.55 New Section
- 4) Statutory Authority: Implementing Section 18c-1204c and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 18c-1204c and 18c-1202).
- 5) Effective Date of Rules: April 1, 1989
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these rule contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: March 22, 1989
- 9) Notice of Proposal in Illinois Register:
  - October 21, 1988, 12 Ill. Reg. 17045
- 10) Has JCAR issued a Statement of Objection to these rules? No.
- 11) Differences between proposal and final version:
  - Heading of Part modified.
  - Section 1235.30(b): Last sentence added.
  - Section 1235.35(a): Last sentence added.



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

Section 1235.35(b): Material before "no party" deleted from original language.

- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these rules replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Rules: This rulemaking is necessary to provide rules to govern the proceedings before the Independent Review Board.
- 16) Information and questions regarding these adopted rules shall be directed to:

Conrad Rubinkowski  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, Illinois 62706  
(217)785-3922

The full text of Adopted Rules begins on the next page:

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

TITLE 92: TRANSPORTATION  
CHAPTER III: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER a: COMMERCIAL TRANSPORTATION GENERALLY

## PART 1235

## PRACTICE BEFORE THE INDEPENDENT REVIEW BOARD

Section	
1235.10	Applicability
1235.15	Motions for Reconsideration or Rehearing
1235.20	Replies
1235.25	Docketing
1235.30	Board Action
1235.35	Oral Argument
1235.40	Grants of Rehearing or Reconsideration
1235.45	Presumptions
1235.50	Modification or Rescission
1235.55	Open Meetings Act

AUTHORITY: Implementing Section 18c-1204c and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 18c-1204c and 18c-1202).

SOURCE: Adopted at 13 Ill. Reg. 4658, effective April 1, 1989.

NOTE: Capitalization denotes statutory language.

## Section 1235.10 Applicability

This Part applies to proceedings before the Independent Review Board ("Board") resulting from the filing of a motion for reconsideration or rehearing that does not request review by the person or board which made the initial decision.

## Section 1235.15 Motions for Reconsideration or Rehearing

- a) Any party of record to an administrative proceeding before the Illinois Commerce Commission ("Commission") pursuant to the Illinois Commercial Transportation Law ("Law") (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 18c-1101 et seq.) may file a motion for reconsideration or rehearing.
- b) Motions for reconsideration or rehearing shall be filed with the Director of Processing of the Commission in one original and six copies, and a copy shall be sent to each party of record by the party filing the motion.



## ILLINOIS COMMERCE COMMISSION

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

## NOTICE OF ADOPTED RULES

- c) The original of every motion for reconsideration or rehearing shall be signed by the party filing the same or by an officer, agent, or attorney therefore.
- d) A MOTION FOR RECONSIDERATION OR REHEARING MUST BE FILED WITHIN 30 DAYS AFTER SERVICE OF THE ORDER, OR OF THE ACTION OR INACTION THAT IS THE SUBJECT OF THE MOTION FOR RECONSIDERATION OR REHEARING (Section 18c-2110(d) of the Law). THE MOTION MUST SET FORTH SPECIFIC GROUNDS FOR MODIFICATION OR RESCISSION OF THE ORDER, OR OF THE ACTION OR INACTION THAT IS THE SUBJECT OF THE MOTION FOR RECONSIDERATION OR REHEARING (Section 18c-2110(e) of the Law).

## Section 1235.20 Replies

- a) If a motion for reconsideration or rehearing is filed by a party to a proceeding, any other party to the proceeding may file a reply to the motion for reconsideration or rehearing.
- b) Any reply to a motion for reconsideration or rehearing must be filed with the Director of Processing in one original and six copies within ten calendar days of service of the motion for reconsideration or rehearing, and a copy shall be sent to each party of record by the party filing the reply.
- c) Any reply to a motion for reconsideration or rehearing shall set forth specific grounds for modification or rescission of the Commission's action or inaction, or shall set forth specific grounds in support of the Commission's action or inaction.

## Section 1235.25 Docketing

- a) The Director of Processing shall cause motions for reconsideration or rehearing filed with him to be docketed and shall retain the original and forward all other copies of the motion for reconsideration or rehearing to the Secretary of the Board along with a copy of the order or action or inaction that is the subject of the motion for reconsideration or rehearing, if any.

- b) The Director of Processing shall retain the original of any reply to a motion for reconsideration or rehearing filed with him and shall forward all other copies to the Secretary of the Board.

## Section 1235.30 Board Action

- a) THE BOARD SHALL REVIEW ALL MOTIONS PRESENTED TO IT (Section 1204c(2)(c) of the Law).
- b) THE BOARD MAY REVIEW THE RECORD OF THE PROCEEDING (Section 1204c(2)(c) of the Law). The Board will review the record if the order appealed and motion and any replies filed pursuant to Section 1235.15 and 1235.20 do not provide a basis for the Board to render a decision.
- c) THE BOARD SHALL RECOMMEND A DECISION BY THE COMMISSION (Section 1204c(2)(c) of the Law).
- d) IF A BOARD MEMBER DISSENTS FROM THE RECOMMENDATION, ANY DISSENTING OPINION SUPPLIED BY THE MEMBER SHALL BE ATTACHED TO THE MEMORANDUM OF RECOMMENDATION (Section 18c-1204(2)(c) of the Law). If a Board member concurs with the recommendation, any concurring opinion supplied by the member shall be attached to the memorandum of recommendation.

## Section 1235.35 Oral Argument

- a) Requests for oral argument pursuant to Section 18c-1204c(2)(c) of the Law shall be made at the time of filing of a motion for reconsideration or rehearing or in a reply to a motion for reconsideration or rehearing, or the Board, on its own motion, may request that the parties participate in oral argument. The Board will request oral argument if the Board is not able to render a decision without such oral argument by the parties.
- b) No party shall participate in oral argument without having filed a motion for reconsideration or rehearing or a reply.

## Section 1235.40 Grants of Rehearing or Reconsideration

- a) If the Commission grants rehearing, the Secretary of the Board shall deliver the Board's memorandum of recommen-



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

ation to the Review and Examination Section or its successors which shall rehear the case pursuant to the memorandum of recommendation and submit an order or amended order to the Commission.

- b) If the Commission grants reconsideration, the Board shall reconsider the case and submit an order or amended order to the Commission for its consideration.

## Section 1235.45 Presumptions

Commission or Motor Carrier Employee Board orders, or the action or inaction of the Commission, Motor Carrier Employee Board or Commission staff shall be presumed to be correct, and the burden of proof upon all issues raised by a motion for reconsideration or rehearing shall be upon the party filing the motion.

## Section 1235.50 Modification or Rescission

The Board shall not recommend that an order of the Commission or Motor Carrier Employee Board, or an action or inaction of the Commission, Motor Carrier Employee Board or Commission staff be modified or rescinded unless the Board finds that it is not supported by the manifest weight of evidence in the record before the Board or that there has been an error of law.

## Section 1235.55 Open Meetings Act

All meetings of the Board shall be conducted pursuant to the provisions of the Open Meetings Act (Ill. Rev. Stat. 1987, ch. 102, pars. 41.01 et seq.)

## COMPTROLLER

## NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Public Radio and Television Station Grants
- 2) Code Citation: 74 Ill. Adm. Code 280
- 3) Section numbers: Adopted action:  
 280.10 Amendment  
 280.30 Amendment  
 Appendix A New Section  
 Appendix B New Section
- 4) Statutory authority: Ill. Rev. Stat. 1987, ch. 127, pars. 1551, 1552.
- 5) Effective Date of Amendments: March 22, 1989
- 6) Does this rulemaking contain an automatic repeal date: No.
- 7) Do these amendments contain incorporations by reference? No.
- 8) Date filed in Agency's Principal Office: March 22, 1989
- 9) Notice of Proposal Published in Illinois Register: November 18, 1988, 12 Ill. Reg. 19259.
- 10) Has JCAR issued a Statement of Objections to these amendments? No.
- 11) Difference between proposal and final version: There is no difference between the proposal and final version.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace any emergency amendments currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendments:  
 To allow for participation in the Community Service Grants Program by public radio and television stations whose fiscal year time periods differ from that of the State of Illinois.



## COMPTROLLER

## NOTICE OF ADOPTED AMENDMENT(S)

- 16) Information and questions regarding these adopted amendments shall be directed to:

Kirby Van Zandt  
Office of the Comptroller  
201 State House  
Springfield, Illinois 62706  
(217) 782-6000

The full text of the Adopted Amendments begins on the next page:

## COMPTROLLER

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 74: PUBLIC FINANCE  
CHAPTER II: COMPTROLLER

## PART 280

## PUBLIC RADIO AND TELEVISION STATION GRANTS

## Section

280.5

Foreword

280.10

Definitions

280.15

Operating Grants

280.20

Applications Content

280.25

Grant Limitations

280.30

Application Times

## Appendix A

## Appendix B

## Radio Community Service Grants

## Corporation for Public Broadcasting

## Qualification Criteria for

## Television Community Service Grants

AUTHORITY: Implementing and authorized by "AN ACT to provide for State grants to certain public radio and television stations in the State of Illinois and for related purposes" (Ill. Rev. Stat. 1987, ch. 127, par. 1551 et seq.) (Public Act-84-1040, effective November-16, 1985).

SOURCE: Adopted at 4 Ill. Reg. 37, p. 597, effective August 29, 1980; codified at 5 Ill. Reg. 10598; amended at 10 Ill. Reg. 10115, effective May 28, 1986; amended at 13 Ill. Reg. 4664, effective March 22, 1989.

## Section 280.10 Definitions

"Act" means "AN ACT to provide for State grants to certain public radio and television stations in the State of Illinois and for related purposes" (Ill. Rev. Stat. 1987, ch. 127, par. 1551 et seq.) (Public Act-84-1040, effective November-26, 1985).

"Actual Operating Cost" means the total sum expended for the operations and maintenance of an Illinois public radio or television station during the station's fiscal year ending prior to October 1st of the fiscal year for which funds are appropriated for grants under this Act, and includes programming and production costs, all administrative costs, all public information costs, all fund raising costs, all broadcasting costs and all in-kind expenses relating to the above. However, the term "actual operating costs" does not include the costs of acquiring fixed assets, depreciation on fixed assets, production costs underwritten by public broadcasting entities, costs attributable to instructional activities of the educational institution, whether on closed circuit or not, costs of operating a commercial (profit-making) business enterprise, including a for-profit subsidiary, and all in-kind expenses related to the above.



NOTICE OF ADOPTED AMENDMENT(S)

"Comptroller" means the Comptroller of the State of Illinois or his designated representative for receiving grant applications pursuant to the Act.

"Eligible station" means a public radio or television station in full-time operation which the Corporation for Public Broadcasting has determined has met its minimum grant criteria (see Appendices A and B of this Part) for eligibility to participate in the grant process before applying for a grant under the Act. is receiving grants from the Corporation for Public Broadcasting.

"Illinois Public Radio Station" or "Radio Station" means a non-commercial public radio broadcasting station licensed as such by the Federal Communications Commission to and operating from a community within this State which is eligible to receive grants under the Act.

"Illinois Public Television Station" or "Television Station" means a non-commercial public television broadcasting station licensed as such by the Federal Communications Commission to and operating from a community within this State which is eligible to receive grants under the Act.

"Public Broadcasting Entities" means the Corporation for Public Broadcasting, any licensee or permittee of a television or radio broadcasting station which is eligible to be licensed by the Federal Communications Commission as a non-commercial educational radio or television broadcasting station, or any non-profit institution engaged primarily in the production, acquisition, distribution, or dissemination of educational and cultural television or radio programs.

"Station" means any eligible radio or television station.

(Source: Amended at 13 Ill. Reg. 4664, effective March 22, 1989)

Section 280.30 Application Times

Unless a written request for an extension of time beyond February 10 October 1 to a specified date is approved by the Comptroller for good cause shown, an application for grant shall be made on or before February 10 October 1 of each year that appropriations have been made available to the Comptroller for distribution pursuant to the Act. This provision shall not apply to fiscal year-1986; the deadline date for fiscal year-1986 shall be June 15, 1986.

(Source: Amended at 13 Ill. Reg. 4664, effective March 22, 1989)

Section 280. Appendix A Corporation for Public Broadcasting Qualification Criteria for Radio Community Service Grants

NOTICE OF ADOPTED AMENDMENT(S)

a) Licensing and Power: The station must be designated by the Federal Communications Commission as a noncommercial, educational radio station. The station must have transmitter power sufficient to provide primary signal coverage in the community of license.

b) Management and Staff: The following conditions must be satisfied:

1) A minimum of five full-time professional radio station staff must be employed on an annual (12 month) basis. At least three full-time staff members should be employed in managerial or programming positions. Minimum staff cannot be paid with Community Service Grant funds.

2) Full-time, professional, radio station staff includes permanent personnel with demonstrated skill and expertise in the management, programming, production, promotion, development, or engineering areas of radio station operation, paid no less than the minimum federal hourly wage plus regular health benefits, whose terms of employment require the exercise of full-time duties in one or more of these areas. The term "full-time" will be understood to be the number of hours that constitute the normal acceptable work week at each institution or station.

3) Custodial and clerical staff, students whose student status is a condition of employment, interns and trainees, do not meet the definition of this criterion, nor do personnel teaching or holding academic duties in excess of the equivalent of one three-hour credit course per quarter or semester.

4) Persons employed on a non-permanent basis, such as on a public service employment training grant, cannot be considered full-time professional radio station staff to meet this criterion.

c) Facilities: A station must have sufficient, professionally equipped on-air and production facilities to allow for broadcast of programming of high technical quality including the capability for simultaneous local production and origination. In addition, sufficient office space must be provided.

d) Broadcast Operations: The station's minimum operational schedule must be 18 consecutive hours per day, 365 days per year. However, AM stations which are restricted by the terms of their licenses to less than the minimum broadcast schedule required by the Corporation for Public Broadcasting ("CPB") policy will be eligible for assistance if all other criteria are met.



NOTICE OF ADOPTED AMENDMENT(S)

e) Programming: The following conditions must be satisfied:

- 1) The station's daily broadcast schedule must be devoted primarily to general audience programming of good quality which serves demonstrated community needs of an educational, informational, and cultural nature, within its primary signal area.
- 2) A program schedule designed to further the principles of religious philosophies does not meet the definition of this criterion.
- 3) A program schedule designed primarily for in-school or professional in-service audiences does not meet the definition of this criterion.
- 4) Stations licensed to political organizations do not meet the definition of this criterion.
- 5) Radio applicants in areas already served by a CPB-qualified radio station must propose a substantially different program service from the existing CPB-qualified station(s) in the area and clearly identify the varying needs and interests of the audience to be served. For the purposes of this criterion, counter-scheduling programs already available from a CPB-qualified station in the market does not, by itself, constitute a substantially different service.
- 6) The station must originate a significant, locally produced program service designed to serve its community of license.

f) Non-Federal Income: Each grantee must have a minimum non-federal annual income of \$150,000.

(Source: Added at 13 Ill. Reg. 4664, effective March 22, 1989)

Section 280. Appendix B Corporation for Public Broadcasting Qualification Criteria for Television Community Service Grants

- a) Management: Each grantee must have a staff headed by a manager or other chief executive officer who:
  - 1) has the responsibility and authority to determine when and what material shall be broadcast over the station; and
  - 2) has the responsibility and authority to administer disbursements under a budget authorized by the governing board of the licensee.

NOTICE OF ADOPTED AMENDMENT(S)

b) Staff: The following conditions must be satisfied:

- 1) Each grantee must have no less than ten staff, which includes five full-time staff with regular health benefits, one of which is the manager or chief executive officer, and the equivalent of five additional full-time personnel, paid no less than the minimum federal hourly wage. The term "full-time" will be understood to be the number of hours that constitute the normal acceptable work week at each institution or station. Likewise, each "equivalent full-time" position will mean equal to the number of hours for a normal work week at each station.
- 2) Minimum staff cannot be paid with Community Service Grant funds.
- 3) Persons employed on a non-permanent basis, such as on a public service employment training program grant or a CPB training grant, cannot be considered full-time professional television station staff to meet this criteria.
- 4) Personnel used to meet the five full-time staff requirement may not teach or hold academic duties in excess of the equivalent of one three credit hour course per quarter or semester.
- c) Joint or Dual Licensee: When more than one grantee is operated by one licensee, each such grantee in addition to the above, must be headed by a manager or other chief executive officer who reports directly to the governing board of the licensee; or in the case of university licensees, each general manager should report on an equal basis to the next level of governing superiors.

d) Non-Federal Income: Each grantee must have a minimum non-federal annual income of \$300,000.

e) Studio/Production Facilities: Each grantee must have studio and production facilities and regularly produce and broadcast locally originated programming.

f) Broadcast Operations: Each grantee must:

- 1) during the first full year of on-air operation commencing immediately following issuance of Program Test Authority, broadcast on a minimum schedule of six days per week, fifty-two weeks per year, for a total of at least 2,500 hours or 48 hours a week and



## COMPTROLLER

## NOTICE OF ADOPTED AMENDMENT(S)

- 2) for all stations during the second such full year of operation and in all succeeding years, broadcast on a schedule of seven days per week, fifty-two weeks per year, for a total of at least 3,000 hours or 57 hours a week.

g) Programming: The following conditions must be satisfied:

- 1) The station's daily broadcast schedule must be devoted primarily to programming of good quality which serves demonstrated community needs of an educational, informational and cultural nature, within its primary signal area.

- 2) A program schedule designed to further the principles of religious philosophies does not meet the definition of this criterion.

- 3) Stations licensed to political organizations do not meet the definition of this criterion.

- 4) CPB will provide Community Service Grant assistance to all eligible television stations that meet current criteria regardless of overlapping broadcast signals. However, a grantee seeking qualification in a market where a CPB-qualified television station already exists must demonstrate the intention to provide a substantially different program service or a new service to a substantial number of unserved homes. For the purpose of this criterion, counter-scheduling programs already available from a CPB-qualified station in the market does not, by itself, constitute a substantially different service.

(Source: Added at 13 Ill. Reg. 4664, effective March 22, 1989)

## DEPARTMENT OF MILITARY AFFAIRS

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Loan of Military Artifacts

- 2) Code Citation: 23 Ill. Adm. Code 3300

- |                            |         |                        |             |
|----------------------------|---------|------------------------|-------------|
| 3) <u>Section Numbers:</u> | 3300.10 | <u>Adopted Action:</u> | New Section |
|                            | 3300.20 |                        | New Section |
|                            | 3300.30 |                        | New Section |
|                            | 3300.40 |                        | New Section |
|                            | 3300.50 |                        | New Section |
|                            | 3300.60 |                        | New Section |
|                            | 3300.70 |                        | New Section |
|                            | 3300.80 |                        | New Section |

- 4) Statutory Authority: Implementing and authorized by Section 25 of the Military Code of Illinois (Ill. Rev. Stat. 1987, ch. 129, par. 220.25, as amended by P.A. 85-1241, effective August 30, 1988).

- 5) The effective date of Rules: March 23, 1989

- 6) Does this rulemaking contain an automatic repeal date? No.

- 7) Do these rules contain incorporations by reference? No.

- 8) Date filed in Agency's Principal Office: March 10, 1989.

- 9) Notice of Proposal Published in Illinois Register:

September 23, 1988 12 Ill. Reg. 14809.

- 10) Has JCAR issued a Statement of Objections to these rules? Yes.

Date and Register citation to JCAR's objection:  
March 17, 1989; 13 Ill. Reg. 3440.

Date and Register citation to agency's response:  
March \_\_\_\_, 1989; 13 Ill. Reg. \_\_\_\_.

Date agency submitted response to JCAR: March 8, 1989.

- 11) Difference(s) between proposal and final version:

1. To amend Section 3300.20 to read:

Section 3300.20 Loan Policy

- a) The Adjutant General, State of Illinois, may, with the written approval of the Governor and for the purpose of enabling wider public display, make loans of these artifacts to the Federal government,



## DEPARTMENT OF MILITARY AFFAIRS

## NOTICE OF ADOPTED RULES

other State governments, and to any museum which is recognized by a museum association or by the State within which it is located, if the museum meets the following minimum standards:

- 1) Must be located within the corporate city limits of a town or city having access to both full-time fire and police protection.
- 2) Must be open at regular hours at least five days a week and seven hours a day. Museum personnel must be present at all times during business hours to provide security and ensure that artifacts are handled by museum personnel only.
- 3) Must have a full-time staff with at least one curator or an individual experienced and trained in the handling, care, displaying, storing, packing and shipping of artifacts.
- 4) Outside areas around the building must be lighted at night, and doors and windows must be equipped with locks. The museum must have security personnel within the building when it is closed to the public and/or must have a security alarm system. The alarm system must be connected to the local police department if security personnel are not employed with the alarm system. The alarm system must protect the entire exhibit area and must have closed circuit TV or some form of space protection based on sonic, ultrasonic or infrared sensing devices detecting noise, movement or a heat source.
- 5) The museum must have a fire protection system with smoke detectors in each room, and the display cases must be constructed of fire resistant materials.
- 6) The exhibit area must have a year-around controlled environmental temperature of between 65-70 degrees Fahrenheit and a relative humidity of between 40-60 percent.
- 7) The artifacts must be protected from all direct natural and artificial lighting, and all artificial lights in the exhibit areas must have ultraviolet filters.

## DEPARTMENT OF MILITARY AFFAIRS

## NOTICE OF ADOPTED RULES

- 8) The exhibit areas must be kept clean and neat, and free from dirt, dust, insects and rodents. The museum must provide janitorial service on a daily basis when the museum is open.

The Adjutant General will send a representative to inspect the museum, either prior to the loan or during the loan period, for compliance with the above standards when, in the judgment of the Adjutant General, the requester or borrower may not be in compliance (e.g., if the Adjutant General is notified of any discrepancy by the museum association or by the State within which it is located). All such inspections will be at the expense of the requester or borrower.

- b) All artifacts are subject to loan except those artifacts which, in the judgment of the Adjutant General, are too fragile to be loaned (e.g., Civil War flags which have material which will tear easily when handled).
- c) All requests for loans of artifacts, and or information concerning loans, must be made in writing to the Adjutant General at:

Department of Military Affairs  
ATTN: Public Affairs  
1301 N. MacArthur Blvd.  
Springfield, Illinois 62702-2399

2. To amend Part 3300 to change all references from "items" to "artifacts."
3. To delete the word "eligible" from Section 3300.30.
4. To delete Section 3300.30(a) and renumber Sections 3300.30(b) to 3300.30(a) and 3300.30(c) to 3300.30(b).
5. To delete the second sentence in Section 3300.40(c) which states "if so directed by DMA, special wording must be used."
6. To delete the first part of the second sentence in Section 3300.40(d) which states "only qualified curators will handle the artifacts."
7. To delete Section 3300.50(c) and renumber Section 3300.50(d) to 3300.50(c) and Section 3300.50(e) to 3300.50(d).
8. To amend Section 3300.60(a) to state:



DEPARTMENT OF MILITARY AFFAIRS

NOTICE OF ADOPTED RULES

The following insurance requirements must be met:

- a) The borrower shall insure the object at the value stated by the DMAIL, which shall be determined in one of the following ways:

- 1) Appraised value;
- 2) Value as determined by restorer; or
- 3) Comparison to similar artifact whose value has been determined by an appraiser or restorer (e.g., two Civil War battle flags).

The insurance shall be in force from the time the object leaves the physical possession of the DMAIL until returned.

9. To amend Section 3300.60(b) to state: "(b) The policy shall be an all-risk policy subject only to the standard exclusions with the DMAIL as a named insured."

10. To rewrite Section 3300.70(a) and delete the last sentence in 3300.70(a) to state:

Borrowed artifacts will be packed for return in exactly the same manner as received; the same cases, packages, pads, wrappings and other furnishings must be used unless changes are authorized by the DMAIL prior to shipment (e.g., original packing materials destroyed).

11. To place standards for approving changes in modes of transportation in Section 3300.70(b) to state:

Artifacts shall be returned by the same mode of transportation as received unless changes are approved by the DMAIL prior to shipment. In deciding whether to approve a change, the DMAIL will consider such factors as artifact's packing, the fragility of the artifact, and the safety and security offered by the proposed mode of transportation.

12. To delete references to "necessary security provisions" in Section 3300.70(c) as Section 3300.80 deals with artifact security and to amend Section 3300.70(c) to state an example of a special packing requirement as "(e.g., a specially built crate)."

13. To amend Section 3300.70(d) to state:

The DMAIL will require that fragile artifacts which would be damaged during shipment or high value

ILLINOIS REGISTER

DEPARTMENT OF MILITARY AFFAIRS

NOTICE OF ADOPTED RULES

artifacts (e.g., insured value of \$5000 or more) will be personally delivered to the borrower and returned to the DMAIL by DMAIL personnel; borrower will pay all expenses.

14. To delete Section 3300.80(a) and renumber Section 3300.80(b) to 3300.80(a) and Section 3300.80(c) to 3300.80(b).

15. To delete the exception in Section 3300.80(b), now 3300.80(a), to state:

All objects shall remain in the condition in which they are received. They shall not be cleaned, repaired, retouched, treated, unfitted, remounted, reset, dissected, or submitted to any examination or treatment which would tend to alter the condition of the object.

16. To delete the exception in Section 3300.80(c), now 3300.80(b), to state:

All objects shall remain in the condition in which they are received. They shall not be cleaned, repaired, retouched, treated, unfitted, remounted, reset, dissected, or submitted to any examination or treatment which would tend to alter the condition of the object.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

- 13) Will these rules replace an emergency rule currently in effect? No.

- 14) Are there any amendments pending on this Part? No.

- 15) Summary and Purpose of Rules: These rules describe the procedures which must be followed to borrow an artifact from the Department of Military Affairs of Illinois. These rules list the conditions under which the artifact may be loaned, transported, displayed, insured and returned.

- 16) Information and questions regarding these adopted rules shall be directed to:

Department of Military Affairs  
ATTN: Lt Col Donald Kunzweiler  
1301 N. MacArthur Blvd.  
Springfield, IL 62702-2399

The full text of the Adopted Rules begins on the next page:



DEPARTMENT OF MILITARY AFFAIRS

NOTICE OF ADOPTED RULES

TITLE 23 : EDUCATION AND CULTURAL RESOURCES

SUBTITLE B: CULTURAL RESOURCES

CHAPTER III: DEPARTMENT OF MILITARY AFFAIRS

PART 3300

LOAN OF MILITARY ARTIFACTS

Section	Responsibility for Preservation of Artifacts
3300.10	Loan Policy
3300.20	Loan Conditions
3300.30	Display Standards
3300.40	Artifact Reproduction Conditions
3300.50	Insurance Requirements
3300.60	Transportation Requirements
3300.70	Security of Artifacts
3300.80	

AUTHORITY: Implementing and authorized by Section 25 of the Military Code of Illinois (Ill. Rev. Stat. 1987, ch. 129, par. 220.25, as amended by P.A. 85-1241, effective August 30, 1988).

SOURCE: Adopted at 13 Ill. Reg. 4672, effective March 23, 1989.

Section 3300.10 Responsibility for Preservation of Artifacts

The Adjutant General of the State of Illinois has the responsibility of preserving all colors, flags, guidons, and military trophies belonging to the State.

Section 3300.20 Loan Policy

- a) The Adjutant General, State of Illinois, may, with the written approval of the Governor and for the purpose of enabling wider public display, make loans of these artifacts to the Federal government, other State governments, and to any museum which is recognized by a museum association or by the State within which it is located, if the museum meets the following minimum standards:

- 1) Must be located within the corporate city limits of a town or city having access to both full-time fire and police protection.
- 2) Must be open at regular hours at least five days a week and seven hours a day. Museum personnel must be present at all times during business hours to provide security and ensure that artifacts are handled by museum personnel only.
- 3) Must have a full-time staff with at least one curator or an individual experienced and trained in the handling, care, displaying, storing, packing and shipping of artifacts.
- 4) Outside areas around the building must be lighted at night, and doors and windows must be equipped with locks. The museum must

DEPARTMENT OF MILITARY AFFAIRS

NOTICE OF ADOPTED RULES

have security personnel within the building when it is closed to the public and/or must have a security alarm system. The alarm system must be connected to the local police department if security personnel are not employed with the alarm system. The alarm system must protect the entire exhibit area and must have closed circuit TV or some form of space protection based on sonic, ultrasonic or infrared sensing devices detecting noise, movement or a heat source.

5) The museum must have a fire protection system with smoke detectors in each room, and the display cases must be constructed of fire resistant materials.

6) The exhibit area must have a year-around controlled environmental temperature of between 65-70 degrees Fahrenheit and a relative humidity of between 40-60 percent.

7) The artifacts must be protected from all direct natural and artificial lighting, and all artificial lights in the exhibit areas must have ultraviolet filters.

8) The exhibit areas must be kept clean and neat, and free from dirt, dust, insects and rodents. The museum must provide janitorial service on a daily basis when the museum is open.

The Adjutant General will send a representative to inspect the museum, either prior to the loan or during the loan period, for compliance with the above standards when, in the judgment of the Adjutant General, the requester or borrower may not be in compliance (e.g., if the Adjutant General is notified of any discrepancy by the museum association or by the State within which it is located). All such inspections will be at the expense of the requester or borrower.

- b) All artifacts are subject to loan except those artifacts which, in the judgment of the Adjutant General, are too fragile to be loaned (e.g., Civil War flags which have material which will tear easily when handled).

- c) All requests for loans of artifacts, or information concerning loans, must be made in writing to the Adjutant General at:

Department of Military Affairs  
ATTN: Public Affairs  
1301 N. MacArthur Blvd.  
Springfield, IL. 62702-2399

Section 3300.30 Loan Conditions

Artifacts may be loaned to Governments and museums under the following conditions:

- a) There will be no third-party loans of borrowed artifacts.
- b) The Adjutant General reserves the right to cancel any loan upon thirty (30) days' advance notice in writing.

Section 3300.40 Display Standards

- a) Borrowed artifacts will not be displayed in hallways, foyers, or



- b) Offices.
- c) Tags and other identification will not be removed.
- d) The display card of borrowed objects must credit the Department of Military Affairs of Illinois (DMAIL).
- e) In the event of improper display of artifacts, the DMAIL may require immediate return of the artifact. If there are any technical questions as to the proper display, the curator of the DMAIL will be consulted.

### Section 3300.50 Artifact Reproduction Conditions

- a) Borrower may photograph the object(s) for educational, catalog, record or publicity purposes.
- b) Reproduction for sale is expressly forbidden except in the context of an exhibit catalog.
- c) Paintings and drawings shall not be removed from frames for photocopying.
- d) Reproductions for publicity must credit the DMAIL.

### Section 3300.60 Insurance Requirements

The following insurance requirements must be met:

- a) The borrower shall insure the object at the value stated by the DMAIL, which shall be determined in one of the following ways:
  - 1) Appraised value;
  - 2) Value as determined by restorer; or
  - 3) Comparison to similar artifact whose value has been determined by an appraiser or restorer (e.g., two Civil War battle flags).
- b) The insurance shall be in force from the time the object leaves the physical possession of the DMAIL until returned.
- c) The policy shall be an all-risk policy subject only to the standard exclusions with the DMAIL as a named insured.

### Section 3300.70 Transportation Requirements

- a) Borrowed artifacts will be packed for return in exactly the same manner as received; the same cases, packages, pads, wrappings and other furnishings must be used unless changes are authorized by the DMAIL prior to shipment (e.g., original packing materials destroyed).
- b) Artifacts shall be returned by the same mode of transportation as received unless changes are approved by the DMAIL prior to shipment. In deciding whether to approve a change, the DMAIL will consider such factors as artifact's packing, the fragility of the artifact, and the safety and security offered by the proposed mode of transportation.
- c) All special packing requirements (e.g., a specially built crate) and transportation costs will be paid by the borrower.
- d) The DMAIL will require that fragile artifacts which would be damaged during shipment or high value artifacts (e.g., insured valued of \$5000 or more) will be personally delivered to the borrower and returned to

the DMAIL by DMAIL personnel; borrower will pay all expenses.

### Section 3300.80 Security of Artifacts

- a) All objects shall remain in the condition in which they are received. They shall not be cleaned, repaired, retouched, treated, unfitted, remounted, reset, dissected, or submitted to any examination or treatment which would tend to alter the condition of the object.
- b) Damages of any nature to the artifact must be reported to the DMAIL immediately upon discovery. No action to correct the damage shall be undertaken by the borrower.



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED REPEALER

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED REPEALER

1) Heading of Part:

## Alcoholism and Intoxication Treatment Programs

2) Code Citation:

77 Ill. Adm. Code 200

3) Section Numbers:

**Adopted Action:**

200.100, 200.101, 200.150, 200.201  
200.202, 200.203, 200.204, 200.205  
200.206, 200.207, 200.208, 200.209  
200.210, 200.301, 200.302, 200.303  
200.401, 200.402, 200.403, 200.404  
200.405, 200.406, 200.501, 200.502  
200.503, 200.504, 200.601, 200.602  
200.603, 200.604, 200.605, 200.701  
200.702, 200.703, 200.704, 200.705  
200.706, 200.707, 200.708, 200.801  
200.802, 200.803, 200.804, 200.805  
200.806, 200.807, 200.808, 200.809  
200.810, 200.811, 200.812, 200.813  
200.814, 200.815, 200.816, 200.817  
200.818, 200.819, 200.820, 200.821  
200.822, 200.823, 200.824, 200.825  
200.826, 200.901, 200.902, 200.903  
200.904, 200.905, 200.906  
200.907, 200.908, 200.909, 200.910  
200.911, 200.912, 200.913, 200.914  
200.915, 200.916, 200.917, 200.918  
200.919, 200.920, 200.921, 200.922  
200.923, 200.924, 200.925, 200.926  
200.927, 200.928, 200.929, 200.930  
200.931, 200.932, 200.933, 200.1001  
200.1002, 200.1003, 200.1004, 200.1005  
200.1006, 200.1007, 200.1008

[illegible]

4) Statutory Authority:

Public Act 85-965, effective July 1, 1988, enacted the "Illinois Alcoholism and Other Drug Dependency Act" (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6351-1 et seq.) This Public Act also repealed the "Alcoholism Treatment Licensing Act" (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6301 to 6344), which provided the statutory authority for the adoption of these rules.

- 5) Effective Date of Repealer:  
April 1, 1989
- 6) Does this Rulemaking contain an Automatic Repeal Date? No.
- 7) Does this Rulemaking contain Incorporation by Reference? No.
- 8) Date Filed in Agency's Principal Office:  
April 1, 1989
- 9) Date Notice of Proposal Published in Illinois Register:  
November 4, 1988 (12 Ill. Reg. 17673)
- 10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this Rulemaking? No.
- 11) Difference Between Proposal and Final Version:  
There are no differences between this adopted repealer and the proposed repealer.
- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?  
No changes were requested by the Joint Committee on Administrative Rules.
- 13) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No.
- 14) Are there any other Amendments Pending on this Part? No.
- 15) Summary and Purpose of Rules:

Under the Illinois Alcoholism and Other Drug Dependency Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1-101 et seq.), the Department of Alcoholism and Substance Abuse is responsible for the licensure and regulation of alcoholism and intoxication treatment facilities and programs. Prior to July 1, 1988, when this Act took effect, the Department of Public Health had licensed and regulated these facilities and programs under the Alcoholism Treatment Licensing Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6301 to 6344).

The transfer of these responsibilities from the Department of Public Health to the Department of Alcoholism and Substance Abuse is intended to



The Department of Alcoholism and Substance Abuse has adopted rules to implement its responsibilities for this program under its statutory authority. These rules, which are entitled "License of Alcoholism and Substance Abuse Treatment, Intervention and Research Programs" (77 Ill. Adm. Code 2058), were adopted at 12 Ill. Reg. 14524.

Mr. Robert John Kane  
Division of Governmental Affairs  
Illinois Department of Public Health  
525 West Jefferson, Second Floor  
Springfield, Illinois 62761  
Telephone: (217) 782-6187

- 77 Ill. Adm. Code 300

**Adopted Action:**

300.110,	300.120,	300.130,	300.140	Amendments
300.150,	300.160,	300.165,	300.170	Amendments
300.175,	300.180,	300.190,	300.200	Amendments
300.210,	300.220,	300.230,	300.240	Amendments
300.250,	300.260,	300.270,	300.272	Amendments
300.274,	300.276			Amendments
300.277				New Section
300.278,	300.280,	300.282,	300.284	Amendments
300.286,	300.288,	300.290,	300.300	Amendments
300.310,	300.320,	300.330,	300.340	Amendments
300.510,	300.610,	300.620,	300.630	Amendments
300.640,	300.650			Amendments
300.655				New Section
300.670,	300.680,	300.690,	300.810	Amendments
300.820,	300.830,	300.840,	300.1010	Amendments
300.1025				New Section
300.1040,	300.1050,	300.1210		Amendments
300.1220,	300.1230,	300.1240,	300.1410	Amendments
300.1420,	300.1430,	300.1610,	300.1620	Amendments
300.1630,	300.1640,	300.1650,	300.1810	Amendments
300.1820,	300.1830,	300.1840,	300.1850	Amendments
300.1860,	300.1870,	300.1880,	300.2010	Amendments
300.2020,	300.2030,	300.2040,	300.2050	Amendments
300.2060,	300.2070,	300.2080,	300.2090	Amendments
300.2100,	300.2110,	300.2210,	300.2220	Amendments
300.2230,	300.2410,	300.2420,	300.2430	Amendments
300.2610,	300.2620,	300.2630,	300.2640	Amendments
300.2810,	300.2820,	300.2830,	300.2840	Amendments
300.2850,	300.2860,	300.2870,	300.2880	Amendments
300.2890,	300.2900,	300.2910,	300.2920	Amendments
300.2930,	300.2940,	300.3010,	300.3020	Amendments
300.3030,	300.3040,	300.3050,	300.3060	Amendments
300.3070,	300.3080,	300.3090,	300.3100	Amendments
300.3110,	300.3120,	300.3130,	300.3140	Amendments
300.3210,	300.3220,	300.3230,	300.3240	Amendments
300.3250,	300.3260,	300.3270,	300.3280	Amendments
300.3290,	300.3300,	300.3310,	300.3320	Amendments



## DEPARTMENT OF PUBLIC HEALTH

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## NOTICE OF ADOPTED AMENDMENTS

Section Numbers:

300.3330, 300.3710

Adopted Action:

Amendments

4) Statutory Authority:

Nursing Home Care Act [Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 85-968 (Senate Bill 1322), effective December 9, 1987, Public Act 85-1183 (House Bill 4172), effective August 13, 1988, and Public Act 85-1378 (Senate Bill 2201), effective September 1, 1988]

5) Effective Date of Amendments:

March 24, 1989

6) Does this Rulemaking contain an Automatic Repeal Date? No.7) Does this Rulemaking contain Incorporation by Reference? No.8) Date Filed in Agency's Principal Office:

March 24, 1989

9) Date Notice of Proposal Published in Illinois Register:

December 23, 1988 (12 Ill. Reg. 21333)

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this Rulemaking? No.11) Difference Between Proposal and Final Version:

In response to questions from the Joint Committee on Administrative Rules, the Department made two changes in the text of the amendments. In Section 300.620(c)(1), the phrase "as determined by professional evaluation" was added after the phrase "in the near future." In Section 300.3060(b)(1) the phrase "per bed" was added after "70 square feet."

During the public comment period, amendments to Sections 300.1020 and 300.1030 were withdrawn from this rulemaking. Other amendments to these two Sections were proposed in the August 19, 1988, issue of the Illinois Register (12 Ill. Reg. 13581) and the adoption of those amendments will be coordinated with the adoption of this rulemaking.

Proposed amendments related to nurse aide training were also deleted from this rulemaking during the public comment period. These changes included

the proposed addition of Section 300.650(h) and all of the proposed amendments to Section 300.660. These changes will be re-proposed and will be adopted in conjunction with the adoption of a new set of rules which have been proposed on nurse aide training programs (77 Ill. Adm. Code 395). The proposed new set of rules appeared in the December 2, 1988, issue of the Illinois Register (12 Ill. Reg. 19927).

The repeal of Subpart Q from this Part was also withdrawn from this rulemaking. Rules for Residential Rehabilitation Facilities (77 Ill. Adm. Code 380), which were proposed in the January 27, 1989, issue of the Illinois Register (13 Ill. Reg. 987), are designed to provide regulations for a similar setting. The Department will re-propose the repeal of Subpart Q and adopt this repeal in conjunction with actions on the proposed rules for Residential Rehabilitation Facilities.

Changes in the wording of the definition of "Qualified Mental Retardation Professional" in Section 300.330 were made in response to public comment. Changes in references to statutory and regulatory provisions were made in compliance with comments from the Department of Professional Regulation.

Numerous typographical corrections and technical changes were also made in response to questions from the Administrative Code Division. No other changes were made in the text of the amendments.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee on Administrative Rules.

13) Will this Rulemaking Replace an Emergency Rule Currently in Effect? Yes.

These amendments will replace amendments which were adopted on an emergency basis effective October 24, 1988. The emergency amendments appeared in the Illinois Register on November 14, 1988 (12 Ill. Reg. 18477).

14) Are there any other Amendments Pending on this Part? Yes.

Sections	Proposed Action	Ill. Reg. Citation
300.620	Amendments	12 Ill. Reg. 13581 (August 19, 1988)
300.1020	Amendments	12 Ill. Reg. 13581 (August 19, 1988)
300.1030	Amendments	12 Ill. Reg. 13581 (August 19, 1988)



15) Summary and Purpose of Rules:

The Department is adopting amendments which were adopted on an emergency basis effective October 24, 1988. These amendments also make other changes to reflect recent statutory changes and to clarify various provisions of the rules. In addition, these amendments update statutory references and make a number of non-substantive changes in the other provisions of the rules. The specific changes included in these amendments are described here.

Emergency Changes

The most significant emergency changes which are included in these amendments are the result of Public Act 85-1378 (Senate Bill 2201), which took effect on September 1, 1988. This legislation amends the Nursing Home Care Act to eliminate the lowest level of violations, level "c" violations. This level of violations is replaced with a procedure for the issuance of administrative warnings. Facilities will not be required to submit a plan of correction in response to an administrative warning, but will be responsible for correction of the condition.

To implement this change, the Department is adopting the following changes which were adopted on an emergency basis effective October 24, 1988. The Notice of Emergency Amendments appeared in the Illinois Register on November 14, 1988 (12 Ill. Reg. 10477).

1. Deleting all of the current designations of level "C" violations from the entire text of the rules.
2. Expanding the provisions in Section 300.272 concerning the determination to issue a notice of violation to also include administrative warnings.
3. Eliminating the language concerning level "C" violations in Section 300.274 which concerns the determination of the level of a violation.
4. Adding a new Section 300.277 to provide procedures for the issuance of administrative warnings.
5. Eliminating the provisions concerning the assessment of penalties for ten or more uncorrected level "C" violations from Section 300.282(e).
6. Adding a definition of "administrative warning" and deleting the definition of "type C violation" in Section 300.330.

Additional statutory changes included in Public Act 85-1378, and changes included in Public Act 85-1183 (House Bill 4172), which took effect on

August 13, 1988, were also adopted on an emergency basis and are included in these amendments. These changes include amendments to provisions concerning:

1. Submission of ownership information [Section 300.250(a)].
2. Contents of the quarterly list of facilities against which the Department is taking some action [Section 300.290(a)].
3. Basis and procedures for involuntary transfer or discharge [Section 300.3300(c)].
4. Procedure for hearings requested by persons who file complaints against a facility [Section 300.3310(j)].

Additional Statutory Changes

Additional statutory changes included in Public Act 85-968 (Senate Bill 1322), which took effect on December 9, 1987, are also being implemented in these amendments. These changes include amendments to reflect the statutory provisions concerning the length of the license period [Section 300.110(b)] and the appointment of monitors [Section 300.270(a)].

In addition, Sections 300.260(d) and (g) are being repealed, since the parallel sections of the statute, Sections 3-314 and 3-317, were repealed by Public Act 83-1530, which became effective July 1, 1985. Repeal of these provisions of the rules is consistent with the statute.

Nursing and Personal Care Services

Changes in Section 300.1210 are being adopted to clarify the requirements for nursing and personal care services. These amendments eliminate many of the recommendations which are currently contained in this Section and update the language of the requirements to insure consistent enforcement of the nursing and personal care requirements. Section 300.1220(b)(10), which required a level "8" violation for violations of this Section, is being repealed. This provision is unnecessarily restrictive and is adequately covered by the rules on the determination of levels of violations.

Physical Examinations and Tuberculin Skin Tests

Changes in Sections 300.650 and 300.1010 and the addition of new Sections 300.655 and 300.1025 are being adopted to clarify the rules on employee physical examinations and tuberculin skin tests for employees and residents. The changes eliminate the requirement for annual physical examinations for employees, since these examinations are not effective in



protecting the health of the employees or residents. The provisions concerning the initial physical examination of employees are being separated into the new Section 300.655 and the procedures for conducting tuberculin skin tests are being separated into the new Section 300.1025. Section 300.1010, which concerns medical care for residents is being amended to reference the tuberculin test procedures which are being relocated to Section 300.1025. These clarifying changes are consistent with the changes in the communicable disease policy requirements which are included in the proposed amendments to Section 300.1020 which were published in the Illinois Register on August 19, 1988 (12 Ill. Reg. 13581).

#### Additional Substantive Changes

The definition of "person in need of mental treatment" in Section 300.330 is being deleted and the substance of this definition is being added to the provision on admission policies in Section 300.620(c)(1). Changes in this provision are intended to insure that the provision is consistent with the language of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1987, ch. 91 1/2, par. 1-100 et seq.) and with the policies of the Department of Mental Health and Developmental Disabilities.

The definition of "qualified mental retardation professional" in Section 300.330 is being amended to conform to recent changes in the rules of the Health Care Financing Administration governing Medicaid program certification of Intermediate Care Facilities for the Mentally Retarded (42 CFR 483). The changes in these federal rules were adopted effective October 1, 1988. The amendments to this definition will insure that the definition is consistent with the federal rules.

The definition of safety device in Section 300.330 is being revised to eliminate the reference to a minimum width of six inches in the example of a wide band which is used as a safety device. The change will clarify the definition.

Changes in Section 300.830(c) are being adopted to insure that the general consultation requirements conform to the requirements for activity program consultation which are included in Section 300.1410(c). The activity program consultation requirements in Section 300.1410(c) were changed in amendments which were adopted effective December 24, 1987.

The definition of "utensil sanitizer" in Section 300.330 is being replaced with a definition of "sanitization" to insure that chemical sanitizers are included, as well as steam sanitizers. The requirements for utensil sanitizers in Sections 300.2430(b) and 300.2860(g) are also being amended to reflect this updated policy. The requirement for mixing

valves in Section 300.2930(c)(6) is also being revised to reflect alternate ways in which the intent of this requirement can be met. Both of these changes eliminate the need for numerous waivers which have been granted and recognize the changing technology in these areas.

Footboard requirements in Section 300.2410(a) and shower stall curb requirements in Section 300.3060(e)(4) are being eliminated as no longer necessary. These changes insure that the rules reflect current enforcement policies of the Department, since numerous waivers have been granted from these requirements.

In addition, a provision which was added to Section 300.3060(b)(1) effective December 24, 1987, concerning waivers of bedroom sizes is being amended to correct and clarify the wording of the provision.

#### Reference Corrections and Updates

Throughout the text of these rules, references to the Nursing Home Care Act and other statutes are being updated. These changes reflect the recent changes in the Act and the latest edition of the Illinois Revised Statutes.

Section 300.340, which contains a list of all of the materials incorporated and referenced in this Part, is also being updated. Statutory references in this Section have been corrected and updated. In addition, references are being added to this Section to reflect the changes in the communicable disease policy requirements which are included in the proposed amendments to Section 300.1020 which were published in the Illinois Register on August 19, 1988 (12 Ill. Reg. 13581).

Section 300.2110 is being amended to eliminate the reference to the "latest edition of" the Department's food service sanitation rules. This reference is being replaced with the correct citation. References to the Capital Development Board's rules on handicapped accessibility to buildings are also being updated. The title and content of these rules were recently changed based on a comprehensive revision of the statute which authorized the Board to adopt these rules. These references are being updated in Sections 300.340(a)(4)(C), 300.2820(a)(1)(B), 300.2900(a)(6), 300.2900(b)(4), and 300.3020(e)(2).

References to various units of the Department which had responsibility for the licensure of alcoholism treatment programs are being updated in Section 300.300. As amended, these provisions will refer to the Department of Alcoholism and Substance Abuse which assumed responsibility for the licensure of alcoholism treatment programs in July 1988.



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTSAdditional Editorial Changes

These amendments also make a substantial number of editorial changes in the wording of the rules. These editorial changes include the elimination of the phrase "his/her" throughout the rules. The elimination of this phrase is accomplished by rephrasing the provisions in the plural, rather than the singular, or by replacing the pronoun with the subject, such as "resident's" or "employee's." The term "etc." is also eliminated throughout the rules. This term is usually unnecessary and may cause confusion by implying that the Department may impose additional requirements.

The amendments also eliminate the use of "(s)," "(es)," and "(ies)" at the end of words to indicate singular or plural. These changes should clarify the application of the provisions. The phrase "and/or" is also eliminated in these amendments. The amendments clarify the provisions which use this term by clearly indicating whether either or both is intended. The amendments also revise the use of numbers throughout the rules for consistency. Numbers of ten or less are written out in the rules, while numbers greater than ten are indicated by numerals. The use of both forms of numbers at each occurrence is eliminated as unnecessary.

The Department believes that there will be little, if any, economic effect of these amendments on the regulated public. The elimination of some requirements may reduce costs for some regulated facilities, although such reductions are likely to be minimal.

- 16) Information and Questions regarding these Adopted Amendments shall be directed to:

Mr. Robert John Kane  
Division of Governmental Affairs  
Illinois Department of Public Health  
525 West Jefferson, Second Floor  
Springfield, Illinois 62761  
Telephone: (217) 782-6187

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTSTITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER c: LONG-TERM CARE FACILITIES

## PART 300

~~MINIMUM STANDARDS CLASSIFICATION AND LICENSURE OF~~ SKILLED NURSING  
~~FACILITIES~~ AND INTERMEDIATE CARE FACILITIES CODE

## SUBPART A: GENERAL PROVISIONS

Section	
300.110	General Requirements
300.110	Application for License
300.120	Licenses
300.130	Issuance of an Initial License for a New Facility
300.140	Issuance of an Initial License Due to a Change of Ownership
300.150	Issuance of a Renewal License
300.160	Criteria for Adverse License Actions
300.165	Denial of Initial License
300.170	Denial of Renewal of License
300.175	Revocation of License
300.180	Experimental Program Conflicting With Requirements
300.190	Inspections, Surveys, Evaluations and Consultation
300.200	Filing an Annual Attested Financial Statement
300.210	Information to Be Made Available to the Public By the Department
300.220	Information to Be Made Available to the Public By the Licensee
300.230	Municipal Licensing
300.240	Ownership Disclosure
300.250	Issuance of Conditional Licenses
300.260	Monitor and Receivership
300.270	Determination to Issue a Notice of Violation or Administrative
300.272	Warning
300.274	Determination of the Level of a Violation
300.276	Notice of Violation
300.277	Administrative Warning
300.278	Plans of Correction
300.280	Reports of Correction
300.282	Conditions for Assessment of Penalties
300.284	Calculation of Penalties
300.286	Determination to Assess Penalties
300.288	Reduction or Waiver of Penalties
300.290	Quarterly List of Violators
300.300	Alcoholism Treatment Programs In Long-Term Care Facilities
300.310	Department May Survey Facilities Formerly Licensed
300.320	Waivers
300.330	Definitions
300.340	Incorporated and Referenced Materials



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART B: ADMINISTRATION

300.510 Administrator

## SUBPART C: POLICIES

300.610 Resident Care Policies  
 300.620 Admission and Discharge Policies  
 300.630 Contract Between Resident and Facility  
 300.640 Residents' Advisory Council  
 300.650 Personnel Policies  
 300.655 Initial Health Evaluation for Employees  
 300.660 Basic Nursing Assistant Training Program  
 300.670 Disaster Preparedness  
 300.680 Restraints and Safety Devices  
 300.690 Serious Incidents and Accidents

## SUBPART D: PERSONNEL

300.810 General  
 300.820 Categories of Personnel  
 300.830 Consultation Services  
 300.840 Personnel Policies

## SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

300.1010 Medical Care Policies  
 300.1020 Communicable Disease Policies  
 300.1025 Tuberculin Skin Test Procedures  
 300.1030 Medical Emergencies  
 300.1040 Behavior Emergencies  
 300.1050 Dental Standards

## SUBPART F: NURSING AND PERSONAL CARE

300.1210 General Requirements for Nursing and Personal Care  
 300.1220 Supervision of Nursing Services ~~Director of Nursing~~  
~~Service/Health Services Supervisor and Assistant Director of~~  
~~Nursing Service/Health Services Supervisor~~  
 300.1230 Staffing  
 300.1240 Additional Requirements

## SUBPART G: RESIDENT CARE SERVICES

300.1410 Activity Program  
 300.1420 Specialized Rehabilitation Services  
 300.1430 Work Programs

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART H: MEDICATIONS

300.1610 Medication Policies and Procedures  
 300.1620 Conformance With Physician's Orders  
 300.1630 Administration of Medication  
 300.1640 Labeling and Storage of Medications  
 300.1650 Control of Medications

## SUBPART I: RESIDENT AND FACILITY RECORDS

300.1810 Resident Record Requirements  
 300.1820 Content of Medical Records  
 300.1830 Records Pertaining to Residents' Property  
 300.1840 Retention and Transfer of Resident Records  
 300.1850 Other Resident Record Requirements  
 300.1860 Staff Responsibility for Medical Records  
 300.1870 Retention of Facility Records  
 300.1880 Other Facility Record Requirements

## SUBPART J: FOOD SERVICE

300.2010 Director of Food Services  
 300.2020 Dietary Staff in Addition to Director of Food Services  
 300.2030 Hygiene of Dietary Staff  
 300.2040 Diet Orders  
 300.2050 Adequacy of Diet and Meal Pattern  
 300.2060 Therapeutic Diets  
 300.2070 Scheduling Meals  
 300.2080 Menu Planning  
 300.2090 Food Preparation and Service  
 300.2100 Food Handling Sanitation  
 300.2110 Kitchen Equipment, Utensils, and Supplies

## SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

300.2210 Maintenance  
 300.2220 Housekeeping  
 300.2230 Laundry Services

## SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

300.2410 Furnishings  
 300.2420 Equipment and Supplies  
 300.2430 Sterilization of Equipment and Supplies







DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

APPENDIX C	Federal Requirements Regarding Patients'/Residents' Rights
APPENDIX D	Forms for Day Care in Long-Term Care Facilities
APPENDIX E	Criteria for Activity Directors Who Need Only Minimal Consultation
TABLE A	Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities
TABLE B	Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities
TABLE C	Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities
TABLE D	Disaster Preparedness Parameters - Relative Humidity and Temperature

**AUTHORITY:** Implementing and authorized by the Nursing Home Care ~~Reform~~ Act ~~of 1979~~ (Ill. Rev. Stat. 1987 ~~1985~~, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 85-968, effective December 9, 1987; Public Act 85-1183, effective August 13, 1988; and Public Act 85-1378, effective September 1, 1988)

**SOURCE:** Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 321, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 15, 1983; amended at 7 Ill. Reg. 15864, effective November 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989.

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

**NOTE:** Italics and capitalization denote statutory language.

## SUBPART A: GENERAL PROVISIONS

## Section 300.110 General Requirements

a) These Minimum Standards apply to the operator/licensee of facilities, or distinct parts thereof, that are to be licensed and classified to provide intermediate care ~~and/or~~ or skilled nursing care. Any license issued and in effect prior to March 1, 1980, pursuant to the "Nursing homes, sheltered care homes, and homes for the aged Act" (Ill. Rev. Stat. 1977, ch. 111 1/2, par. 35.16 et seq.) shall remain valid and subject to the terms and conditions of the ~~Nursing Home Care Reform~~ Act ~~of 1979~~ (the Act) (Ill. Rev. Stat. 1987 ~~1983~~, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 85-968, effective December 9, 1987; Public Act 85-1183, effective August 13, 1988; and Public Act 85-1378, effective September 1, 1988) and all regulations promulgated thereunder until the expiration date shown on the face of such license.

b) The license issued to each operator/licensee shall designate the licensee's name, facility name, address, the classification by level of service authorized for that facility, the number of beds authorized for each level, the date the license was issued and the expiration date. Such licenses shall be issued for a period ~~not to exceed one (1) year~~ of NOT LESS THAN SIX MONTHS NOR MORE THAN 18 MONTHS. The Department will set the period of the license based on the license expiration dates of the facilities in the geographical area surrounding the facility IN ORDER TO DISTRIBUTE THE EXPIRATION DATES as evenly as possible THROUGHOUT THE CALENDAR YEAR. (Section 3-110 of the Act)

c) An applicant may request that the license issued by the Department of Public Health (the Department) have distinct parts classified according to levels of services. The distinct part must satisfactorily meet the applicable physical plant standards based on a level of service classification sought for that distinct part. If necessary to protect the health, welfare and safety of residents in a distinct part requiring higher standards, the Department shall require compliance with whatever additional physical plant standards are necessary in any distinct part ~~to~~, to achieve this protection as required by the highest level of care being licensed. Administrative, supervisory, and other personnel may be shared by the entire facility, if so doing does not adversely affect meeting the total needs of the residents of the facility.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.110 (continued)

- d) THE OPERATOR MAY NOT ADMIT RESIDENTS IN EXCESS OF THE LICENSED CAPACITY OF THE FACILITY. (Section 2-209 of the Act) ~~(See Section 300.290 Violations and Penalties)~~ (B, C)
- e) An intermediate care facility licensed and classified under the Act shall not use in its title or description "Hospital", "Sanitarium", "Sanatorium", "Rehabilitation Center", "Skilled Nursing Facility", or any other word or description in its title or advertisements which indicates that a type of service is provided by the facility which the facility is not licensed to provide or, in fact, does not provide. ~~(C)~~ A skilled nursing facility may use in its title or advertisement the words or description: "Nursing Home", "Intermediate Care", "Skilled Nursing Facility".
- f) Any person constructing or modifying a long-term care facility or portion thereof without obtaining the required permit from the Health Facilities Planning Board shall not be eligible to apply for licensure for that facility or portion thereof (Ill. Rev. Stat. 1987 ~~1983~~, ch. 111 1/2, par. 1163.1). ~~(C)~~
- g) THE LICENSEE SHALL GIVE ~~NINETY~~ ~~(90)~~ DAYS NOTICE PRIOR TO VOLUNTARILY CLOSING A FACILITY OR CLOSING ANY PART OF A FACILITY, OR PRIOR TO CLOSING ANY PART OF A FACILITY IF CLOSING SUCH PART WILL REQUIRE THE TRANSFER OR DISCHARGE OF MORE THAN TEN PERCENT ~~(10%)~~ OF THE RESIDENTS. SUCH NOTICE SHALL BE GIVEN TO THE DEPARTMENT, TO ANY RESIDENTS WHO MUST BE TRANSFERRED OR DISCHARGED, TO THE RESIDENT'S REPRESENTATIVE, AND TO A MEMBER OF THE RESIDENT'S FAMILY, WHERE PRACTICABLE. NOTICE SHALL STATE THE PROPOSED DATE OF CLOSING AND THE REASON FOR CLOSING. THE LICENSEE SHALL OFFER TO ASSIST THE RESIDENT IN SECURING AN ALTERNATIVE PLACEMENT AND SHALL ADVISE THE RESIDENT ON AVAILABLE ALTERNATIVES. WHERE THE RESIDENT IS UNABLE TO CHOOSE AN ALTERNATE PLACEMENT AND IS NOT UNDER GUARDIANSHIP, THE DEPARTMENT SHALL BE NOTIFIED OF THE NEED FOR RELOCATION ASSISTANCE. THE FACILITY SHALL COMPLY WITH ALL APPLICABLE LAWS AND REGULATIONS UNTIL THE DATE OF CLOSING, INCLUDING THOSE RELATED TO TRANSFER OR DISCHARGE OF RESIDENTS. THE DEPARTMENT MAY PLACE A RELOCATION TEAM IN THE FACILITY AS PROVIDED UNDER THE ACT. (Section 3-423 of the Act) (A, B)

(Source: Amended at 13 Ill. Reg. ~~4684~~, effective March 24, 1989)

## Section 300.120 Application for License

- a) Any person acting individually or jointly with other persons who

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.120(a) (continued)

- proposes to build, own, establish, or operate an intermediate care facility, ~~and/or~~ or skilled nursing facility shall submit pre-application information on forms provided by the Department. The Department shall be furnished a written description of the proposed program to be provided, and other such information as it may require in order to determine the appropriate level of care for which the facility should be licensed. The pre-application form and other required information shall be submitted and approved prior to surveys of the physical plant or review of building plans and specifications. ~~(C)~~
- b) A pre-application for a new facility shall be accompanied by a permit as required by the ~~Illinois~~ Health Facilities Planning Act ~~(Ill. Rev. Stat. 1987 ~~1983~~, ch. 111 1/2, par. 1151 et seq.)~~. ~~(C)~~
- c) APPLICATION FOR A LICENSE TO ESTABLISH OR OPERATE AN INTERMEDIATE CARE FACILITY ~~AND/OR~~ OR SKILLED NURSING FACILITY SHALL BE MADE IN WRITING AND SUBMITTED, WITH OTHER SUCH INFORMATION AS THE DEPARTMENT MAY REQUIRE, ON FORMS PROVIDED BY THE DEPARTMENT. (Section 3-103(1) of the Act)
- d) ALL APPLICATIONS, EXCEPT THOSE OF HOMES FOR THE AGED, SHALL BE ACCOMPANIED BY AN APPLICATION FEE OF ~~TWO HUNDRED~~ ~~(200)~~ DOLLARS. THE APPLICATION SHALL BE UNDER OATH AND THE SUBMISSION OF FALSE OR MISLEADING INFORMATION SHALL BE A CLASS A MISDEMEANOR. THE APPLICATION SHALL CONTAIN THE FOLLOWING INFORMATION:
- 1) THE NAME AND ADDRESS OF THE APPLICANT IF AN INDIVIDUAL, AND IF A FIRM, PARTNERSHIP, OR ASSOCIATION, OF EVERY MEMBER THEREOF, AND IN THE CASE OF A CORPORATION, THE NAME AND ADDRESS THEREOF, AND OF ITS OFFICERS AND ITS REGISTERED AGENT, AND IN THE CASE OF A UNIT OF LOCAL GOVERNMENT, THE NAME AND ADDRESS OF ITS CHIEF EXECUTIVE OFFICER;
  - 2) THE NAME AND LOCATION OF THE FACILITY FOR WHICH A LICENSE IS SOUGHT;
  - 3) THE NAME OF THE PERSON OR PERSONS UNDER WHOSE MANAGEMENT OR SUPERVISION THE FACILITY WILL BE CONDUCTED;
  - 4) THE NUMBER AND TYPE OF RESIDENTS FOR WHICH MAINTENANCE, PERSONAL CARE, OR NURSING IS TO BE PROVIDED; AND
  - 5) SUCH INFORMATION RELATING TO THE NUMBER, EXPERIENCE, AND



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.120(d)(5) (continued)

TRAINING OF THE EMPLOYEES OF THE FACILITY, ANY MANAGEMENT AGREEMENTS FOR THE OPERATION OF THE FACILITY, AND OF THE MORAL CHARACTER OF THE APPLICANT AND EMPLOYEES AS THE DEPARTMENT MAY DEEM NECESSARY. (Section 3-103(2) of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-103(2))~~

e) Ownership Change or Discontinuation

- 1) The license is not transferable. It is issued to a specific licensee and for a specific location. The license and the valid current renewal certificate immediately become void and shall be returned to the Department when the facility is sold, or leased; or when operation is discontinued; or when operation is moved to a new location; or when the licensee (if an individual) dies; or when the licensee (if a corporation or partnership) dissolves or terminates; or when the licensee (whatever the entity) ceases to be. ~~(G)~~

- 2) A license issued to a corporation shall become null, void and of no further effect upon the dissolution of the corporation. The license shall not be revived if the corporation is subsequently reinstated. A new license must be obtained in such cases. ~~(G)~~

- f) EACH INITIAL APPLICATION SHALL BE ACCOMPANIED BY A FINANCIAL STATEMENT SETTING FORTH THE FINANCIAL CONDITION OF THE APPLICANT AND BY A STATEMENT FROM THE UNIT OF LOCAL GOVERNMENT HAVING ZONING JURISDICTION OVER THE FACILITY'S LOCATION STATING THAT THE LOCATION OF THE FACILITY IS NOT IN VIOLATION OF A ZONING ORDINANCE. AN INITIAL APPLICATION FOR A NEW FACILITY SHALL BE ACCOMPANIED BY A PERMIT AS REQUIRED BY THE ~~ILLINOIS~~ HEALTH FACILITIES PLANNING ACT. AFTER THE APPLICATION IS APPROVED, THE APPLICANT SHALL ADVISE THE DEPARTMENT EVERY ~~6~~ SIX MONTHS OF ANY CHANGES IN THE INFORMATION ORIGINALLY PROVIDED IN THE APPLICATION. (Section 3-103(3) of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-103(2))~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.130 Licensee

- a) The licensee is the corporate body, political subdivision, individual, or individuals responsible for the operation of the facility and upon whom rests the responsibility for meeting the

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.130(a) (continued)

licensing requirements. The licensee does not have to own the building being used.

- b) If the licensee does not own the building, a lease or management agreement between the licensee and the owner of the building is required. A copy of the lease or management agreement shall be furnished to the Department. The Department shall also be provided with a copy of all new lease agreements or any changes to existing agreements within ~~thirty~~ ~~30~~ days of the effective date of such changes. ~~(G)~~
- c) If the licensee is not a corporation or a political subdivision of the State of Illinois, each person responsible for the operation of the facility and upon whom rests the responsibility for meeting the licensing Minimum Standards shall be at least ~~eighteen~~ ~~(18)~~ years of age. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.140 Issuance of an Initial License for a New Facility

- a) UPON RECEIPT AND REVIEW OF AN APPLICATION FOR A LICENSE AND INSPECTION OF THE APPLICANT FACILITY, THE DIRECTOR SHALL ISSUE A PROBATIONARY LICENSE IF HE FINDS:

- 1) THE APPLICANT IS A PERSON RESPONSIBLE AND SUITABLE TO OPERATE OR TO DIRECT OR PARTICIPATE IN THE OPERATION OF A FACILITY BY VIRTUE OF FINANCIAL CAPACITY, APPROPRIATE BUSINESS OR PROFESSIONAL EXPERIENCE, A RECORD OF COMPLIANCE WITH LAWFUL ORDERS OF THE DEPARTMENT AND LACK OF REVOCATION OF A LICENSE DURING THE PREVIOUS FIVE ~~(5)~~ YEARS;

- 2) THE FACILITY IS UNDER THE SUPERVISION OF AN ADMINISTRATOR WHO IS LICENSED UNDER THE ~~NURSING HOME ADMINISTRATORS~~ ~~ADMINISTRATOR'S~~ LICENSING AND DISCIPLINARY ACT ~~(Ill. Rev. Stat. 1987 1979, ch. 111, par. 3601-3651 et seq.) AS NOW~~ ~~OR HEREAFTER AMENDED~~; AND

- 3) THE FACILITY IS IN SUBSTANTIAL COMPLIANCE WITH THE ~~NURSING-HOME CARE REFORM~~ ACT ~~OF 1979~~ AND THIS PART. (Section 3-109 of the Act)

- b) THE DEPARTMENT WILL ISSUE A PROBATIONARY LICENSE FOR ~~ONE HUNDRED-TWENTY~~ ~~(120)~~ DAYS FROM DATE OF ISSUANCE. (Section 3-116 of the Act)



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.140 (continued)

- c) DURING THE ~~ONE HUNDRED TWENTY~~ ~~(120)~~ DAY PERIOD OF THE PROBATIONARY LICENSE, THE DEPARTMENT SHALL CONDUCT AN INVESTIGATION OF THE APPLICANT WITHIN ~~THIRTY~~ ~~(30)~~ DAYS OF THE TERMINATION OF THE PROBATIONARY LICENSE TO DETERMINE WHETHER OR NOT THE APPLICANT THEN COMPLIES, AND IF NOT, WHETHER SATISFACTORY PROGRESS IS BEING MADE TOWARD COMPLIANCE. IF IN COMPLIANCE, THE PROBATIONARY LICENSE WILL BE REPLACED WITH A FULL STATUS LICENSE. IF NOT IN COMPLIANCE AND SATISFACTORY PROGRESS TOWARDS COMPLIANCE IS NOT BEING MADE, THE DEPARTMENT WILL ALLOW THE PROBATIONARY LICENSE TO EXPIRE. (Section 3-116 of the Act)
- d) IF THE APPLICANT IS FOUND NOT TO BE IN COMPLIANCE BUT SATISFACTORY PROGRESS IS BEING MADE TOWARD COMPLIANCE, A SECOND PROBATIONARY LICENSE OF UP TO ~~ONE HUNDRED TWENTY~~ ~~(120)~~ DAYS MAY BE ISSUED. UNDER NO CONDITION MAY MORE THAN TWO ~~(2)~~ SUCCESSIVE PROBATIONARY LICENSES BE ISSUED. (Section 3-116 of the Act)
- e) Prior to actual receipt by the operator of the license certificate, the operator may begin operation upon receipt of written approval by the Department.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.150 Issuance of an Initial License Due to a Change of Ownership

- a) UPON RECEIPT AND REVIEW OF AN APPLICATION FOR A LICENSE THE DIRECTOR SHALL ISSUE A PROBATIONARY LICENSE IF HE FINDS:
- 1) THE APPLICANT IS A PERSON RESPONSIBLE AND SUITABLE TO OPERATE OR TO DIRECT OR TO PARTICIPATE IN THE OPERATION OF A FACILITY BY VIRTUE OF FINANCIAL CAPACITY, APPROPRIATE BUSINESS OR PROFESSIONAL EXPERIENCE, A RECORD OF COMPLIANCE WITH LAWFUL ORDERS OF THE DEPARTMENT AND LACK OF REVOCATION OF A LICENSE DURING THE PREVIOUS FIVE ~~(5)~~ YEARS;
  - 2) THE FACILITY IS UNDER THE SUPERVISION OF AN ADMINISTRATOR WHO IS LICENSED UNDER THE ~~NURSING HOME ADMINISTRATORS~~ ~~ADMINISTRATORS~~ ~~LICENSING AND DISCIPLINARY ACT~~ ~~AS NOW OR~~ ~~HEREAFTER AMENDED~~; AND
  - 3) THE FACILITY IS IN SUBSTANTIAL COMPLIANCE WITH THE ~~NURSING HOME CARE REFORM~~ ~~ACT OF 1979~~ AND THIS PART. (Section 3-109 of the Act)

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.150 (continued)

- b) WHENEVER OWNERSHIP OF A FACILITY IS TRANSFERRED FROM THE PERSON NAMED IN A LICENSE TO ANY OTHER PERSON, THE TRANSFEREE MUST OBTAIN A NEW PROBATIONARY LICENSE. THE TRANSFEREE SHALL NOTIFY THE DEPARTMENT OF THE TRANSFER AND APPLY FOR A NEW LICENSE AT LEAST ~~THIRTY~~ ~~(30)~~ DAYS PRIOR TO FINAL TRANSFER. (Section 3-112 of the Act) ~~(C)~~
- c) THE TRANSFEROR SHALL NOTIFY THE DEPARTMENT AT LEAST ~~THIRTY~~ ~~(30)~~ DAYS PRIOR TO FINAL TRANSFER. THE TRANSFEROR SHALL REMAIN RESPONSIBLE FOR THE OPERATION OF THE FACILITY UNTIL SUCH TIME AS THE LICENSE IS ISSUED TO THE NEW TRANSFEREE. (Section 3-112 of the Act) ~~(C)~~
- d) THE LICENSE GRANTED TO THE TRANSFEREE SHALL BE SUBJECT TO ANY PLAN OF CORRECTION SUBMITTED BY THE PREVIOUS OWNER AND APPROVED BY THE DEPARTMENT AND ANY CONDITIONS CONTAINED IN A CONDITIONAL LICENSE ISSUED TO THE PREVIOUS OWNER. IF THERE ARE OUTSTANDING VIOLATIONS AND NO PLAN OF CORRECTION HAS BEEN SUBMITTED BY THE FACILITY AND APPROVED BY THE DEPARTMENT, THE DEPARTMENT MAY ISSUE A CONDITIONAL LICENSE AND PLAN OF CORRECTION AS PROVIDED IN SECTIONS 3-311 THROUGH 3-317 OF THE ~~NURSING HOME CARE REFORM~~ ~~ACT OF 1979~~ IN PLACE OF A PROBATIONARY LICENSE. (Section 3-113 of the Act) ~~(C)~~
- e) THE TRANSFEROR SHALL REMAIN LIABLE FOR ALL PENALTIES ASSESSED AGAINST THE FACILITY WHICH ARE IMPOSED FOR VIOLATIONS OCCURRING PRIOR TO TRANSFER OF ~~OR~~ OWNERSHIP. (Section 3-114 of the Act) ~~(C)~~
- f) THE DEPARTMENT WILL ISSUE A PROBATIONARY LICENSE FOR ~~ONE HUNDRED TWENTY~~ ~~(120)~~ DAYS FROM DATE OF ISSUANCE. (Section 3-116 of the Act)
- g) DURING THE ~~ONE HUNDRED TWENTY~~ ~~(120)~~ DAYS OF THE PROBATIONARY LICENSE, THE DEPARTMENT SHALL CONDUCT AN INVESTIGATION OF THE APPLICANT WITHIN ~~THIRTY~~ ~~(30)~~ DAYS OF THE TERMINATION OF THE PROBATIONARY LICENSE TO DETERMINE WHETHER OR NOT THE APPLICANT THEN COMPLIES, AND IF NOT, WHETHER SATISFACTORY PROGRESS IS BEING MADE TOWARD COMPLIANCE. IF IN COMPLIANCE, THE PROBATIONARY LICENSE WILL BE REPLACED WITH A FULL STATUS LICENSE. IF NOT IN COMPLIANCE AND SATISFACTORY PROGRESS TOWARD COMPLIANCE IS NOT BEING MADE, THE DEPARTMENT WILL ALLOW THE PROBATIONARY LICENSE TO EXPIRE. (Section 3-116 of the Act)
- h) IF THE APPLICANT IS FOUND NOT TO BE IN COMPLIANCE BUT SATISFACTORY PROGRESS IS BEING MADE TOWARD COMPLIANCE, A SECOND PROBATIONARY LICENSE OF UP TO ~~ONE HUNDRED TWENTY~~ ~~(120)~~ DAYS MAY BE ISSUED. UNDER NO CONDITION MAY MORE THAN TWO ~~(2)~~ SUCCESSIVE PROBATIONARY LICENSES BE ISSUED. (Section 3-116 of the Act)



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.150 (continued)

- i) The issuance date of the probationary license to the new owner will be the date the last licensure requirement is met as determined by the Department. Prior to actual receipt by the operator of the license certificate, the operator may begin operation upon receipt of written approval by the Department.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.160 Issuance of a Renewal License

AT LEAST ~~ONE HUNDRED TWENTY (120)~~ DAYS, BUT NOT MORE THAN ~~ONE HUNDRED FIFTY (150)~~ DAYS, PRIOR TO LICENSE EXPIRATION, THE LICENSEE SHALL SUBMIT AN APPLICATION FOR RENEWAL OF THE LICENSE IN SUCH FORM AND CONTAINING SUCH INFORMATION AS THE DEPARTMENT REQUIRES. IF THE APPLICATION IS APPROVED, AND THE FACILITY IS IN COMPLIANCE WITH ALL OTHER LICENSE REQUIREMENTS, THE LICENSE SHALL BE RENEWED FOR AN ADDITIONAL ONE YEAR PERIOD. (Section 3-115 of the Act) ~~(See Section 300.240 for municipal licensing requirements.) (C)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.165 Criteria for Adverse Licensure Actions

- a) Adverse licensure actions are determinations to deny the issuance of an initial license, to deny the issuance of a renewal of a license, or to revoke the current license of a facility.
- b) A determination by the Director or his designee to take adverse licensure action against a facility shall be based on a finding that one or more of the following criteria are met:

- 1) The facility has SUBSTANTIALLY FAILED TO MEET ANY OF THE MINIMUM STANDARDS SET FORTH IN THE ACT OR THIS PART ~~THESE RULES~~. For purposes of this provision, substantial failure is a failure to meet the requirements of this Part which is other than a variance from strict and literal performance which results only in unimportant omissions or defects given the particular circumstances involved. (Sections 3-117(1) and 3-119(a)(1) of the Act) ~~(11 Rev. Stat. 1985, ch. 111 1/2, par. 4153-117(1) and 4153-119(a)(1))~~

- 2) THE LICENSEE OR APPLICANT, OR THE PERSON DESIGNATED TO MANAGE OR SUPERVISE THE FACILITY HAS BEEN CONVICTED OF ANY OF THE FOLLOWING CRIMES DURING THE PREVIOUS FIVE YEARS. Such

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.165(b)(2) (continued)

convictions shall be verified by A CERTIFIED COPY OF THE RECORD OF THE COURT OF CONVICTION.

- A) A FELONY.

- B) TWO OR MORE MISDEMEANORS INVOLVING MORAL TURPITUDE. (Sections 3-117(2) and 3-119(a)(2) of the Act) ~~(11 Rev. Stat. 1985, ch. 111 1/2, par. 4153-117(2) and 4153-119(a)(2))~~

- 3) THE MORAL CHARACTER OF THE LICENSEE, ADMINISTRATOR, MANAGER, OR SUPERVISOR OF THE FACILITY IS NOT REPUTABLE. Evidence to be considered will include verifiable statements by residents of a facility, law enforcement officials, or other persons with knowledge of the individual's character. In addition, the definition afforded to the terms "reputable," "unreputable," and "irreputable" by the circuit courts of the State of Illinois shall apply when appropriate to the given situation. For purposes of this Section, a manager or supervisor of the facility is an individual with responsibility for the overall management, direction, coordination, or supervision of the facility or the facility staff. (Sections 3-117(2) and 3-119(a)(2) of the Act) ~~(11 Rev. Stat. 1985, ch. 111 1/2, par. 4153-117(2) and 4153-119(a)(2))~~

- 4) The facility is operating (or, for an initial applicant, intends to operate) with PERSONNEL WHICH ARE INSUFFICIENT IN NUMBER OR UNQUALIFIED BY TRAINING OR EXPERIENCE TO PROPERLY CARE FOR THE NUMBER AND TYPE OF RESIDENTS in the facility. Standards in these rules concerning personnel, including Sections 300.810, 300.820, 300.830, 300.1220, 300.1230 and 300.1240, will be considered in making this determination. (Sections 3-117(3) and 3-119(a)(3) of the Act) ~~(11 Rev. Stat. 1985, ch. 111 1/2, par. 4153-117(3) and 4153-119(a)(3))~~

- 5) The facility has available INSUFFICIENT FINANCIAL OR OTHER RESOURCES TO OPERATE THE FACILITY IN ACCORDANCE WITH THIS PART ~~THESE RULES~~. Financial information and changes in financial information provided by the facility under Section 300.120(f) and under Section 3-208 of the Act will be considered in making this determination. (Section 3-208 of the Act) ~~(11 Rev. Stat. 1985, ch. 111 1/2, par. 4153-208)~~

- 6) THE FACILITY IS NOT UNDER THE DIRECT SUPERVISION OF A FULL-TIME ADMINISTRATOR as required by Section 300.510. (Sections



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.165(b)(6) (continued)

3-117(6) and 3-119(a)(5) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-117(6) and 4153-119(a)(5))~~

- 7) The facility has violated the rights of residents of the facility by any of the following actions:

- A) A pervasive pattern of cruelty or indifference to residents has occurred in the facility.
- B) The facility has appropriated or converted for its use the property of a resident without his written consent or the consent of his legal guardian.
- C) The facility has secured property, or a bequest of property, from a resident by undue influence.
- 8) The facility knowingly submitted false information either on the licensure or renewal application forms or during the course of an inspection or survey of the facility.
- 9) The facility has refused to allow an inspection or survey of the facility by agents of the Department to occur.
- c) The Director or his designee shall consider all available evidence at the time of the determination, including the history of the facility and the applicant in complying with the Act and this Part ~~these rules~~, notices of violations which have been issued to the facility and the applicant, findings of surveys and inspections, and any other evidence provided by the facility, residents, law enforcement officials and other interested individuals.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.170 Denial of Initial License

- a) A determination by the Director or his designee to deny the issuance of an initial license shall be based on a finding that one or more of the criteria outlined in Section 300.165 or the following criteria are met.

- 1) THE APPLICANT, ANY MEMBER OF THE FIRM, PARTNERSHIP, OR ASSOCIATION WHICH IS THE APPLICANT, ANY OFFICER OR STOCKHOLDER OF THE CORPORATION WHICH IS THE APPLICANT, OR THE PERSON DESIGNATED TO MANAGE OR SUPERVISE THE FACILITY HAS BEEN

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.170(a)(1) (continued)

CONVICTED of any of the following crimes DURING THE PREVIOUS FIVE YEARS. Such convictions shall be verified by A CERTIFIED COPY OF THE RECORD OF THE COURT OF CONVICTION.

- A) A FELONY.
- B) TWO OR MORE MISDEMEANORS INVOLVING MORAL TURPITUDE. (Section 3-117(2) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-117(2))~~
- 2) Prior license revocation. Both of the following conditions must be met:
  - A) The license of a facility under this Act has been REVOKED DURING THE PAST FIVE YEARS, which was owned or operated BY THE APPLICANT, BY A CONTROLLING OWNER OF THE APPLICANT, BY A CONTROLLING COMBINATION OF OWNERS OF THE APPLICANT, OR BY AN AFFILIATE WHO IS A CONTROLLING OWNER OF THE APPLICANT. Operation for the purposes of this provision shall include individuals with responsibility for the overall management, direction, or supervision of the facility.
  - B) SUCH PRIOR REVOCATION RENDERS THE APPLICANT UNQUALIFIED OR INCAPABLE OF MAINTAINING A FACILITY IN ACCORDANCE WITH THE MINIMUM STANDARDS SET FORTH IN THE ACT OR IN THIS PART ~~THESE RULES~~. This determination will be based on the applicant's qualifications and ability to meet the criteria outlined in Section 300.165(b) as evidenced by the application and the applicant's prior history. (Section 3-117(5) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-117(5))~~
- b) The Department shall notify an applicant IMMEDIATELY UPON DENIAL OF ANY APPLICATION. Such notice shall be IN WRITING and shall include:
  - 1) A CLEAR AND CONCISE STATEMENT of the basis of the denial. The statement shall include a citation to the provisions of Section 3-117 of the Act and the provisions of this Part ~~these rules~~ under which the application is being denied.
  - 2) A description of THE RIGHT OF THE APPLICANT TO APPEAL THE DENIAL OF THE APPLICATION and the right to a hearing. (Section 3-118 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-118)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.175 Denial of Renewal of License

- a) Application for renewal of a license of a facility shall be denied and the license of the facility shall be allowed to expire when the Director or his designee finds that a condition, occurrence, or situation in the facility meets any of the criteria specified in Section 300.165(b).
- b) When the Director or his designee determines that an application for renewal of a license of a facility is to be denied, the Department shall notify the facility. The notice to the facility shall be in writing and shall include:
- 1) A CLEAR AND CONCISE STATEMENT of the basis of the denial. The statement shall include a citation to the provisions of the Act and this Part ~~these rules~~ on which the application for renewal is being denied.

- 2) A statement of the date on which the current license of the facility will expire as provided in subsection (c) of this Section and Section 3-119(d) of the Act ~~(Ill. Rev. Stat. 1985; ch. 111 1/2, par. 4153-119(d))~~.

- 3) A description of THE RIGHT OF THE APPLICANT TO APPEAL THE DENIAL OF THE APPLICATION FOR RENEWAL AND THE RIGHT TO A HEARING. (Section 3-119(b) of the Act) ~~(Ill. Rev. Stat. 1985; ch. 111 1/2, par. 4153-119(b))~~.

- c) The effective date of the nonrenewal of a license shall be as provided in Section 3-119(d) of the Act ~~(Ill. Rev. Stat. 1985; ch. 111 1/2, par. 4153-119(d))~~.

- d) The current license of the facility shall be EXTENDED BY THE DEPARTMENT when it finds that such extension is necessary TO PERMIT ORDERLY REMOVAL AND RELOCATION OF RESIDENTS. (Section 3-119(d)(3) of the Act) ~~(Ill. Rev. Stat. 1985; ch. 111 1/2, par. 4153-119(d)(3))~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.180 Revocation of License

- a) The license of a facility shall be revoked when the Director or his designee finds that a condition, occurrence or situation in the facility meets any of the criteria specified in Section 300.165(b). In addition, the license of a facility will be revoked when the facility fails to abate or eliminate a level A violation as provided

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.180(a) (continued)

in Section 300.282(b).

- b) When the Director or his designee determines that the license of a facility is to be revoked, the Department shall notify the facility. The notice to the facility shall be in writing and shall include:

- 1) A CLEAR AND CONCISE STATEMENT of the basis of the revocation. The statement shall include a citation to the provisions of the Act and this Part ~~these rules~~ on which the license is being revoked.

- 2) A statement of the date on which the revocation will take effect as provided in subsection (c) of this Section and Section 3-119(d) of the Act ~~(Ill. Rev. Stat. 1985; ch. 111 1/2, par. 4153-119(d))~~.

- 3) A description of THE RIGHT OF THE FACILITY TO APPEAL THE REVOCATION OF THE LICENSE AND THE RIGHT TO A HEARING. (Section 3-119(b) of the Act) ~~(Ill. Rev. Stat. 1985; ch. 111 1/2, par. 4153-119(b))~~.

- c) The effective date of the revocation of a license shall be as provided in Section 3-119(d) of the Act ~~(Ill. Rev. Stat. 1985; ch. 111 1/2, par. 4153-119(d))~~.

- d) The effective date of the revocation shall be EXTENDED BY THE DEPARTMENT when it finds that such extension is necessary TO PERMIT ORDERLY REMOVAL AND RELOCATION OF RESIDENTS. (Section 3-119(d)(3) of the Act) ~~(Ill. Rev. Stat. 1985; ch. 111 1/2, par. 4153-119(d)(3))~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.190 Experimental Program Conflicting With Requirements

- a) Any facility desiring to conduct an experimental program or do research which is in conflict with this Part shall submit a written request to the Department and secure prior approval. The Department will not approve experimental programs which would violate residents rights under the Act. Such approval will be granted only if the request will not create an unnecessary and unusual threat to the health, welfare, or safety of the residents or staff. (A, B)

- b) The Department may grant to a facility special permission to provide day care when it has adequate facilities and staff to satisfactorily



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

Section 300.190(b) (continued)

provide such services based on the requirements in Section 300.3710.  
(See guidelines in Appendix D.)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

Section 300.200 Inspections, Surveys, Evaluations and Consultation

The terms survey, inspection and evaluation are synonymous. These terms refer to the overall examination of compliance with the Act and ~~the regulations~~ to this Part.

- a) All facilities to which this Part applies shall be subject to and shall be deemed to have given consent to annual inspections, surveys, evaluations by properly identified personnel of the Department, or by such other properly identified persons, including local health department staff, as the Department may designate. AN INSPECTION, SURVEY OR EVALUATION, OTHER THAN AN INSPECTION OF FINANCIAL RECORDS SHALL BE UNANNOUNCED. CONSULTATIONS MAY BE ANNOUNCED ~~411. Rev. Stat., 1985 Supp., ch. 111 1/2, par. 4153-212~~. The licensee, or person representing the licensee in the facility, shall provide to the representative of the Department access and entry to the premises or facility for obtaining information required to carry out this Act and this Part ~~the rules promulgated under the Act~~. IN ADDITION, REPRESENTATIVES OF THE DEPARTMENT SHALL HAVE ACCESS TO AND MAY REPRODUCE OR PHOTOCOPY AT THE DEPARTMENT'S COST ANY BOOKS, RECORDS, AND OTHER DOCUMENTS MAINTAINED BY THE FACILITY. THE LICENSEE OR THEIR REPRESENTATIVES TO THE EXTENT NECESSARY TO CARRY OUT THE ~~THIS~~ ACT AND THIS PART ~~THE RULES PROMULGATED THEREUNDER 411. Rev. Stat., 1985 Supp., ch. 111 1/2, par. 4153-213~~. A facility may charge the Department for such photocopying at a rate determined by the facility not to exceed the rate in the Department's Freedom of Information rules (2 Ill. Adm. Code 1126). (Sections 3-212 and 3-213 of the Act) ~~(6)~~

- b) BEFORE MAKING MORE THAN THE REQUIRED NUMBER OF INSPECTIONS, SURVEYS AND EVALUATIONS OF A FACILITY, THE DEPARTMENT SHALL HAVE TAKEN INTO ACCOUNT THE FOLLOWING CRITERIA:

- 1) PREVIOUS INSPECTION REPORTS;
- 2) THE FACILITY'S HISTORY OF COMPLIANCE WITH THE ACT;
- A) PRIOR CORRECTION OF VIOLATIONS;

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

Section 300.200(b)(2) (continued)

- B) PRIOR ENFORCEMENT ACTIONS;
- C) NUMBER AND SEVERITY OF PRIOR COMPLAINTS;

3 NUMBER AND SEVERITY OF CURRENT COMPLAINTS;

4) ALLEGATIONS OF RESIDENT ABUSE OR NEGLECT;

5) COMPLIANCE WITH DISASTER PREPAREDNESS PROVISIONS UNDER THE ACT;

6) OTHER REASONABLE BELIEF THAT DEFICIENCIES REGARDING THE ACT EXIST; ~~AND/OR~~ AND

- 7) requirements pursuant to the "1864 Agreement" (42 U.S.C.A. 1395aa) between the Department and U.S. Health and Human Services (HHS) (e.g., annual and follow-up certification inspections, life safety code inspections and any inspections requested by the secretary of HHS). ~~(6)~~ (Section 3-212(b) of the Act) ~~(11. Rev. Stat., 1985 Supp., ch. 111 1/2, par. 4153-212(b))~~

- c) UPON THE COMPLETION OF EACH INSPECTION, SURVEY AND EVALUATION, THE REPRESENTATIVE OF THE DEPARTMENT WHO CONDUCTED THE INSPECTION, SURVEY OR EVALUATION SHALL SUBMIT A COPY OF THEIR REPORT TO THE LICENSEE OR THEIR REPRESENTATIVE, UPON EXITING THE FACILITY. A copy of the information gathered during a complaint investigation will not be provided upon exiting the facility. COMMENTS OR DOCUMENTATION PROVIDED BY THE LICENSEE WHICH MAY REFUTE FINDINGS IN THE REPORT, WHICH EXPLAIN EXTENUATING CIRCUMSTANCES THAT THE FACILITY COULD NOT REASONABLY HAVE PREVENTED, OR WHICH INDICATE METHODS AND TIMETABLES FOR CORRECTION OF DEFICIENCIES DESCRIBED IN THE REPORT SHALL BE PROVIDED TO THE DEPARTMENT WITHIN ~~10~~ TEN DAYS OF RECEIPT OF THE COPY OF THE REPORT. (Section 3-212(c) of the Act) (11. Rev. Stat. ~~1985 Supp., ch. 111 1/2, par. 4153-212(c))~~

- d) Consultation consists of providing advice or suggestions to the staff of a facility at their request relative to specific matters of the scope of regulation, methods of compliance with the Act or this Part. ~~rules, and/or~~ or general matters of patient care.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.210 Filing an Annual Attested Financial Statement

- a) EACH LICENSEE SHALL SUBMIT AN ANNUAL ATTESTED FINANCIAL STATEMENT TO THE DEPARTMENT. THIS FINANCIAL STATEMENT SHALL BE FILED IN A PRESCRIBED FORMAT ON FORMS SUPPLIED BY THE DEPARTMENT. THE FORMS WILL BE DEVELOPED IN CONJUNCTION WITH THE ILLINOIS DEPARTMENT OF PUBLIC AID. The time period covered in the financial statement shall be a period determined by the Department for the initial filing, and shall thereafter coincide with the facility's fiscal year or the calendar year. (Section 3-208 of the Act) ~~(C)~~
- b) THE DEPARTMENT MAY REQUIRE ANY FACILITY TO FILE AN AUDITED FINANCIAL STATEMENT, IF THE DEPARTMENT DETERMINES THAT SUCH A STATEMENT IS NEEDED. (Section 3-208 of the Act)
- c) THE DEPARTMENT MAY REQUIRE ANY OR ALL FACILITIES TO SUBMIT ATTESTED OR AUDITED FINANCIAL STATEMENTS MORE FREQUENTLY THAN ANNUALLY, IF THE DEPARTMENT DETERMINES THAT MORE FREQUENT FINANCIAL STATEMENTS ARE NEEDED. THE FREQUENCY AND TIME PERIOD OF SUCH FILINGS SHALL BE AS DETERMINED BY THE DEPARTMENT FOR EACH INDIVIDUAL FACILITY. (Section 3-208 of the Act)
- d) The financial statement shall be filed with the Department within ~~ninety (90)~~ days following the end of the designated reporting period. The financial statement will not be considered as having been filed unless all sections of the prescribed forms have been properly completed. Those sections which do not apply to a particular facility shall be noted "not applicable" on the forms. ~~(C)~~
- e) The information required to be submitted in the financial statement will include at a minimum the following:
- 1) Facility information, including: facility name and address, licensure information, type of ownership, licensed bed capacity, date and cost of building construction and additions, date and cost of acquisition of buildings, building sizes, equipment costs and dates of acquisition. ~~(C)~~
  - 2) Resident information, including: number and level of care of residents by source of payment, income from residents by level of care. ~~(C)~~
  - 3) Cost information by level of care, including:
    - A) General service costs; such as dietary, food, housekeeping, laundry, utilities, and plant operation and maintenance. ~~(C)~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.210(e)(3) (continued)

- B) Health care costs; such as medical director, nursing, medications, oxygen, activities, medical records, other medical services, social services, and utilization reviews. ~~(C)~~
- C) General administration; such as administrative salaries, professional services, fees, subscriptions, promotional, insurance, travel, clerical, employee benefits, license fees, and inservice training and education. ~~(C)~~
- D) Ownership; such as depreciation, interest, taxes, rent, and leasing. ~~(C)~~
- E) Special Service cost centers; such as habilitative and rehabilitative services, therapies, transportation, education, barber and beauty care, and gift and coffee shop. ~~(C)~~
- 4) Income information, including operating and nonoperating income. ~~(C)~~
- 5) Ownership information, including balance sheet and payment to owners. ~~(C)~~
- 6) Personnel information, including the number and type of people employed and salaries paid. ~~(C)~~
- 7) Related organization information, including related organizations from which services are purchased. ~~(C)~~
- f) The new owner or a new lessee of a previously licensed facility may file a projection of capital costs at the time of closing or signing of the lease.
- 1) A facility which is licensed for the first time (a newly constructed facility) must file a projection of capital costs. ~~(C)~~
  - 2) Each of the above must file a full cost report within nine ~~(9)~~ months after acquisition (covering the first six ~~(6)~~ months of operation). Each must also file a cost report within ~~ninety (90)~~ days of the close of its first complete fiscal year. ~~(C)~~
- g) NO PUBLIC FUNDS SHALL BE EXPENDED FOR THE MAINTENANCE OF ANY RESIDENT



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.210(g) (continued)

IN ANY FACILITY WHICH HAS FAILED TO FILE THIS FINANCIAL STATEMENT, AND NO PUBLIC FUNDS SHALL BE PAID TO, OR ON BEHALF OF, A FACILITY WHICH HAS FAILED TO FILE THE STATEMENT. (Section 3-208(b) of the Act)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.220 Information to Be Made Available to the Public By the Department

- a) THE DEPARTMENT SHALL RESPECT THE CONFIDENTIALITY OF A RESIDENT'S RECORD AND SHALL NOT DIVULGE OR DISCLOSE THE CONTENTS OF A RECORD IN A MANNER WHICH IDENTIFIES A RESIDENT, EXCEPT UPON A RESIDENT'S DEATH TO A RELATIVE OR GUARDIAN, OR UNDER JUDICIAL PROCEEDINGS. THIS SECTION SHALL NOT BE CONSTRUED TO LIMIT THE RIGHT OF A RESIDENT OR A RESIDENT'S REPRESENTATIVE TO INSPECT OR COPY THE RESIDENT'S RECORDS. (Section 2-206(a) of the Act)
- b) CONFIDENTIAL MEDICAL, SOCIAL, PERSONAL OR FINANCIAL INFORMATION IDENTIFYING A RESIDENT SHALL NOT BE AVAILABLE FOR PUBLIC INSPECTION IN A MANNER WHICH IDENTIFIES A RESIDENT. (Section 2-206(b) of the Act) ~~(G)~~
- c) THE FOLLOWING INFORMATION IS SUBJECT TO DISCLOSURE TO THE PUBLIC FROM THE DEPARTMENT OR THE DEPARTMENT OF PUBLIC AID:
  - 1) INFORMATION SUBMITTED UNDER SECTIONS 3-103 AND 3-207 OF THE ACT, EXCEPT INFORMATION CONCERNING THE REMUNERATION OF PERSONNEL LICENSED, REGISTERED, OR CERTIFIED BY THE DEPARTMENT OF PROFESSIONAL REGULATION ~~REGISTRATION AND EDUCATION~~ AND MONTHLY CHARGES FOR AN INDIVIDUAL PRIVATE RESIDENT;
  - 2) RECORDS OF LICENSE AND CERTIFICATION INSPECTIONS, SURVEYS, AND EVALUATIONS OF FACILITIES, OTHER REPORTS OF INSPECTIONS, SURVEYS, AND EVALUATIONS OF RESIDENT CARE, AND REPORTS CONCERNING A FACILITY PREPARED PURSUANT TO TITLES XVIII AND XIX OF THE SOCIAL SECURITY ACT ~~(42 U.S.C.A. 1395 et seq. and 1396 et seq.)~~ SUBJECT TO THE PROVISIONS OF THE SOCIAL SECURITY ACT (42 U.S.C.A. 301 et seq.);
  - 3) COST AND REIMBURSEMENT REPORTS SUBMITTED BY A FACILITY UNDER SECTION 3-208 OF THE ACT, REPORTS OF AUDITS OF FACILITIES, AND OTHER PUBLIC RECORDS CONCERNING THE COST INCURRED BY, REVENUES RECEIVED BY, AND REIMBURSEMENT OF FACILITIES; ~~AND~~

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.220(c) (continued)

- 4) COMPLAINTS FILED AGAINST A FACILITY AND COMPLAINT INVESTIGATION REPORTS, EXCEPT THAT A COMPLAINT OR COMPLAINT INVESTIGATION REPORT SHALL NOT BE DISCLOSED TO A PERSON OTHER THAN THE COMPLAINANT OR COMPLAINANT'S REPRESENTATIVE BEFORE IT IS DISCLOSED TO A FACILITY UNDER SECTION 3-702 OF THE ACT, AND, FURTHER, EXCEPT THAT A COMPLAINT OR RESIDENT'S NAME SHALL NOT BE DISCLOSED EXCEPT UNDER SECTION 3-702 OF THE ACT. (Section 2-205 of the Act)

~~d) 5) THE DEPARTMENT SHALL DISCLOSE INFORMATION UNDER THIS SECTION IN ACCORDANCE WITH PROVISIONS FOR INSPECTION AND COPYING OF PUBLIC RECORDS REQUIRED BY THE FREEDOM OF INFORMATION ACT (Ill. Rev. Stat. 1987-1984 Supp., ch. 116, par. 201 et seq.). AND~~

~~e) 6) HOWEVER, THE DISCLOSURE OF INFORMATION DESCRIBED IN SUBSECTION (1) SHALL NOT BE RESTRICTED BY ANY PROVISION OF THE FREEDOM OF INFORMATION ACT. (Section 2-205 of the Act) ~~(Ill. Rev. Stat. 1985-Supp., ch. 111 1/2, par. 4153-205)~~~~

~~f) 4) Copies of reports available to the public may be obtained by making a written request to the Department in accordance with the Department's Freedom of Information rules (2 Ill. Adm. Code 1126). However, access to cost reports shall be governed by Department of Public Aid rule "Access to Cost Reports" (89 Ill. Adm. Code 140.544). The Department may, at its discretion, waive this fee if the party requesting the material is involved in legal action with the Department.~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.230 Information to Be Made Available to the Public By the Licensee

- a) EVERY FACILITY SHALL CONSPICUOUSLY POST OR DISPLAY IN AN AREA OF ITS OFFICES ACCESSIBLE TO RESIDENTS, EMPLOYEES, AND VISITORS THE FOLLOWING:
  - 1) ITS CURRENT LICENSE; ~~(G)~~
  - 2) A DESCRIPTION, PROVIDED BY THE DEPARTMENT OF COMPLAINT PROCEDURES ESTABLISHED UNDER THE ~~"NURSING-HOME CARE REFORM ACT OF 1979"~~ AND THE NAME, ADDRESS, AND TELEPHONE NUMBER OF A PERSON AUTHORIZED BY THE DEPARTMENT TO RECEIVE COMPLAINTS; ~~(G)~~



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.230(a) (continued)

- 3) A COPY OF ANY ORDER PERTAINING TO THE FACILITY ISSUED BY THE DEPARTMENT OR A COURT; AND ~~(C)~~
- 4) A LIST OF THE MATERIAL AVAILABLE FOR PUBLIC INSPECTION UNDER SUBSECTION (b) OF THIS SECTION AND SECTION 3-210 OF THE ~~"NURSING HOME CARE REFORM" ACT OF 1979~~. (Section 3-209 of the Act) ~~(C)~~
- b) A FACILITY SHALL RETAIN THE FOLLOWING FOR PUBLIC INSPECTION:
  - 1) A COMPLETE COPY OF EVERY INSPECTION REPORT OF THE FACILITY RECEIVED FROM THE DEPARTMENT DURING THE PAST FIVE ~~(5)~~ YEARS; ~~(C)~~
  - 2) A COPY OF EVERY ORDER PERTAINING TO THE FACILITY ISSUED BY THE DEPARTMENT OR A COURT DURING THE PAST FIVE ~~(5)~~ YEARS; ~~(C)~~
  - 3) A DESCRIPTION OF THE SERVICES PROVIDED BY THE FACILITY AND THE RATES CHARGED FOR THOSE SERVICES AND ITEMS FOR WHICH A RESIDENT MAY BE SEPARATELY CHARGED; ~~(C)~~
  - 4) A COPY OF THE STATEMENT OF OWNERSHIP REQUIRED BY SECTION 3-207 OF THE ~~"NURSING HOME CARE REFORM" ACT OF 1979~~; ~~(C)~~
  - 5) A RECORD OF PERSONNEL EMPLOYED OR RETAINED BY THE FACILITY WHO ARE LICENSED, CERTIFIED OR REGISTERED BY THE DEPARTMENT OF PROFESSIONAL REGULATION ~~REGISTRATION AND EDUCATION~~; AND ~~(C)~~
  - 6) A COMPLETE COPY OF THE MOST RECENT INSPECTION REPORT OF THE FACILITY RECEIVED FROM THE DEPARTMENT. (Section 3-210 of the Act) ~~(C)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.240 Municipal Licensing

- a) Municipalities which have adopted a licensing ordinance as provided under Section 3-104 of the ~~"Nursing Home Care Reform" Act of 1979~~ and this Part shall adopt this Part ~~these Minimum Standards, for Intermediate Care Facilities and Skilled Nursing Facilities by reference~~ by complying with Article I, Division 3, of the ~~"Illinois Municipal Code"~~ (Ill. Rev. Stat. 1987 ~~1983~~, ch. 24, pars. 1-3-1 et seq. ~~through 1-3-6~~).

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.240 (continued)

- b) Municipalities shall issue licenses so that the expiration dates are distributed throughout the calendar year. The month the license expires shall coincide with the date of original licensure of the licensee. During the ~~twenty-four (24)~~ month period following the effective date of the ~~"Nursing Home Care Reform" Act of 1979~~, the municipality may issue renewal licenses for a period of less than one ~~(1)~~ year in order to distribute the expiration date of such licenses throughout the calendar year.
- c) The municipality shall notify the Department within ten ~~(10)~~ days from the date of issuance or denial of a license that the municipal license has been issued or denied. If the license is issued, the notice will include the facility name, address, the date of issuance, and the number of beds by level of care for which the license was issued. If the license is denied, the notice will indicate reason for denial and the current status of licensee's (applicant's) application for municipal license.
- d) The municipality shall use the same licensing classifications as the Department; and a facility may not be licensed for a different classification by the Department than by the municipality.
- e) The Department and the municipality shall have the right at any time to visit and inspect the premises and personnel of any facility for the purpose of determining whether the applicant or licensee is in compliance with the ~~"Nursing Home Care Reform" Act of 1979~~, this Part or with the local ordinances which govern the regulation of the facility. The Department may survey any former facility which once held a license to insure that the facility is not again operating without a license. Municipalities may charge a reasonable license or renewal fee for the regulation of facilities, which fees shall be in addition to the fees paid to the Department.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.250 Ownership Disclosure

- a) AS A CONDITION OF THE ISSUANCE OR RENEWAL OF THE LICENSE OF ANY FACILITY, THE APPLICANT SHALL FILE A STATEMENT OF OWNERSHIP. THE APPLICANT SHALL notify the Department of any change in ~~AGREE TO UPDATE~~ THE INFORMATION REQUIRED IN THE STATEMENT OF OWNERSHIP WITHIN TEN DAYS OF THE CHANGE. (Section 3-207(a) of the Act) ~~EVERY SIX (6) MONTHS FROM THE INITIAL DATE OF FILING IF THERE IS ANY CHANGE. (C)~~



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.250 (continued)

## b) A STATEMENT OF OWNERSHIP SHALL INCLUDE THE FOLLOWING:

- 1) The name, address, Social Security Number, telephone number, occupation or business activity, business address, business telephone number, and the percent of direct or indirect financial interest of those persons who have a direct or indirect financial interest of five ~~(5)~~ percent or more in the legal entity designated as the operator/licensee of the facility which is the subject of the application or license; ~~(C)~~
- 2) The name, address, Social Security Number, telephone number, occupation or business activity, business address, business telephone number, and the percent of direct or indirect financial interest of those persons who have a direct or indirect financial interest of five ~~(5)~~ percent or more in the legal entity that owns the building in which the operator/licensee is operating the facility which is the subject of the application or license; and ~~(C)~~
- 3) THE NAME AND ADDRESS OF ANY FACILITY, WHEREVER LOCATED, IN WHICH THE APPLICANT HAS ANY OWNERSHIP INTEREST. (Section 3-207(b) of the Act) ~~(C)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.260 Issuance of Conditional Licenses

- a) THE DIRECTOR MAY ISSUE A CONDITIONAL LICENSE TO ANY FACILITY IF THE DIRECTOR FINDS THAT EITHER A TYPE "A" OR TYPE "B" VIOLATION EXISTS IN SUCH FACILITY. THE ISSUANCE OF A CONDITIONAL LICENSE SHALL REVOKE ANY LICENSE HELD BY THE FACILITY. (Section 3-311 of the Act)
- b) PRIOR TO THE ISSUANCE OF A CONDITIONAL LICENSE, THE DEPARTMENT SHALL REVIEW AND APPROVE A WRITTEN PLAN OF CORRECTION. THE DEPARTMENT SHALL SPECIFY THE VIOLATIONS WHICH PREVENT FULL LICENSE AND SHALL ESTABLISH A TIME SCHEDULE FOR CORRECTION OF THE DEFICIENCIES. RETENTION OF THE LICENSE SHALL BE CONDITIONAL UPON THE CORRECTION OF THE DEFICIENCIES IN ACCORDANCE WITH THE PLAN OF CORRECTION. (Section 3-312 of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-312.)~~
- c) WRITTEN NOTICE OF THE DECISION TO ISSUE A CONDITIONAL LICENSE SHALL BE SENT TO THE APPLICANT OR LICENSEE TOGETHER WITH THE SPECIFICATION

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.260(c) (continued)

- OF ALL VIOLATIONS OF THE ~~THIS~~ ACT AND THIS PART ~~THE RULES~~ ~~FORMULATED THEREUNDER~~ WHICH PREVENT FULL LICENSE AND WHICH FORM THE BASIS FOR THE DEPARTMENT'S DECISION TO ISSUE A CONDITIONAL LICENSE AND THE REQUIRED PLAN OF CORRECTION. THE NOTICE SHALL INFORM THE APPLICANT OR LICENSEE OF ITS RIGHT TO A FULL HEARING UNDER SECTION 3-315 OF THE ACT. (Section 3-313 of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-313.)~~
- ~~d) IF THE FACILITY DESIRES TO HAVE AN INFORMAL CONFERENCE, IT SHALL, WITHIN FOUR (4) WORKING DAYS FROM RECEIPT OF THE NOTICE UNDER THE ACT, SEND A WRITTEN REQUEST FOR AN INFORMAL CONFERENCE TO THE DEPARTMENT. THE DEPARTMENT SHALL, WITHIN FOUR (4) WORKING DAYS FROM THE RECEIPT OF THE REQUEST, HOLD AN INFORMAL CONFERENCE. FOLLOWING THIS CONFERENCE, THE DEPARTMENT MAY AFFIRM OR OVERRULE ITS PREVIOUS DECISION OR MODIFY THE TERMS OF THE CONDITIONAL LICENSE AND PLAN OF CORRECTION. THE CONDITIONAL LICENSE MAY BE ISSUED AFTER THE INFORMAL CONFERENCE OR AFTER THE TIME FOR REQUESTING AN INFORMAL CONFERENCE HAS EXPIRED, PRIOR TO ANY FURTHER HEARING.~~
- ~~e) IF THE APPLICANT OR LICENSEE DESIRES TO PROTEST THE BASIS FOR ISSUANCE OF A CONDITIONAL LICENSE, OR THE TERMS OF THE PLAN OF CORRECTION, THE APPLICANT OR LICENSEE SHALL SEND A WRITTEN REQUEST FOR HEARING TO THE DEPARTMENT WITHIN TEN (10) DAYS AFTER RECEIPT BY THE APPLICANT OR LICENSEE OF THE DEPARTMENT'S NOTICE AND DECISION TO ISSUE A CONDITIONAL LICENSE. THE DEPARTMENT SHALL HOLD THE HEARING AS PROVIDED UNDER THE ACT. (Section 3-315 of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-315.)~~~~
- ~~f) A CONDITIONAL LICENSE SHALL BE ISSUED FOR A PERIOD SPECIFIED BY THE DEPARTMENT, BUT IN NO EVENT FOR MORE THAN ONE (1) YEAR. THE DEPARTMENT SHALL PERIODICALLY INSPECT ANY FACILITY OPERATING UNDER A CONDITIONAL LICENSE. IF THE DEPARTMENT FINDS SUBSTANTIAL FAILURE BY THE FACILITY TO CORRECT THE VIOLATIONS WHICH PREVENTED FULL LICENSE AND FORMED THE BASIS FOR THE DEPARTMENT'S DECISION TO ISSUE A CONDITIONAL LICENSE IN ACCORDANCE WITH THE REQUIRED PLAN OF CORRECTION, THE CONDITIONAL LICENSE MAY BE REVOKED AS PROVIDED UNDER THE ACT. (Section 3-316 of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-316.)~~~~
- ~~g) IF THE DEPARTMENT DETERMINES THAT A CONDITIONAL LICENSE SHALL EXPIRE WITHOUT RENEWAL OR REPLACEMENT OF THE CONDITIONAL LICENSE BY A REGULAR LICENSE, THE DEPARTMENT SHALL SO NOTIFY THE LICENSEE AT LEAST THIRTY (30) DAYS PRIOR TO EXPIRATION OF THE LICENSE. THE LICENSEE IS ENTITLED TO A HEARING UNDER THE ACT IF REQUESTED PRIOR~~



## DEPARTMENT OF PUBLIC HEALTH

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.260(e) (continued)

## Section 300.270(b)(3) (continued)

~~TO EXPIRATION OF THE LICENSE.~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.270 Monitor and Receivership

a) THE DEPARTMENT MAY PLACE AN EMPLOYEE OR AGENT TO SERVE AS A MONITOR IN A FACILITY WHEN ANY OF THE FOLLOWING CONDITIONS EXIST:

- 1) THE FACILITY IS OPERATING WITHOUT A LICENSE;
- 2) THE DEPARTMENT HAS SUSPENDED, REVOKED OR REFUSED TO RENEW THE EXISTING LICENSE OF THE FACILITY;
- 3) THE FACILITY IS CLOSING OR HAS INFORMED THE DEPARTMENT THAT IT INTENDS TO CLOSE AND ADEQUATE ARRANGEMENTS FOR RELOCATION OF RESIDENTS HAVE NOT BEEN MADE AT LEAST 30 DAYS PRIOR TO CLOSURE; ~~or~~
- 4) THE DEPARTMENT DETERMINES THAT AN EMERGENCY EXISTS, WHETHER OR NOT IT HAS INITIATED REVOCATION OR NONRENEWAL PROCEDURES, IF BECAUSE OF THE UNWILLINGNESS OF INABILITY OF THE LICENSEE TO REMEDY THE EMERGENCY THE DEPARTMENT BELIEVES A MONITOR IS NECESSARY; or

5) The Department receives notification that the facility is terminated or will not be renewed for participation in the federal reimbursement program under either title XVII (Medicaid) or title XIX (Medicare) of the Social Security Act. (Section 3-501 of the Act) ~~(Ill. Rev. Stat. 1983, ch. 111-142, par. 4153-501)~~

b) The monitor shall meet the following minimum requirements:

- 1) be in good physical health as evidenced by a physical examination by a physician within the last year.
- 2) have an understanding of the needs of nursing home residents as evidenced by one year of experience in working with the elderly in programs such as patient care, social work, or advocacy.
- 3) have an understanding of the ~~Nursing Home Care Reform Act (hereinafter, the Act), and this Part the rules and regulations promulgated to enforce the Act~~ which are the

subject of the monitors' duties as evidenced in a personal interview of the candidate.

- 4) not be related to the owners of the involved facility either through blood, marriage or common ownership of real or personal property except ownership of stock that is traded on a stock exchange.
  - 5) successfully completed a baccalaureate degree; ~~and/or~~ and
  - 6) two years full-time work experience in the long-term care industry of the State of Illinois.
- c) The monitor shall be under the supervision of the ~~Division of Enforcement, Office of Health Regulation, Illinois Department of Public Health~~; shall perform the duties of a monitor delineated in Section 3-502 of the Act; and accomplish the following actions:

- 1) visit the facility at least five ~~(5)~~ days per week or as directed by the Department;
  - 2) review all records pertinent to the condition for such monitor's placement under subsection (a) ~~above~~ of this Section;
  - 3) provide to the Department ~~Division of Enforcement, Office of Health Regulation~~, a weekly written report and a daily oral report detailing the observed conditions of the facility; and
  - 4) shall be available as a witness for hearings involving the condition for placement as monitor.
- d) All communications, including but not limited to data, memoranda, correspondence, records and reports shall be transmitted to and become the property of the Department, plus, findings and results of the monitor's work done under this Part ~~these rules and regulations~~ shall be strictly confidential and not subject to disclosure without written authorization from the Department ~~Division of Enforcement, Office of Health Regulation~~ or by court order subject to disclosure only in accordance with the provisions of the Freedom of Information Act, subject to the confidentiality requirements of the ~~Nursing Home Care Reform Act of 1979~~.
- e) The assignment as monitor may be terminated at any time by the Department ~~Division of Enforcement, Office of Health Regulation~~.



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

Section 300.270 (continued)

f) Through consultation with the long-term care industry associations, professional organizations, consumer groups and health-care management corporations, the Department shall maintain a list of receivers. Preference on the list shall be given to individuals possessing a valid Illinois Nursing Home Administrator's License, experience in financial and operations management of a long-term care facility and individuals with access to consultative experts with the aforementioned experience. To be placed on the list, individuals must meet the following minimum requirements:

- 1) be in good physical health as evidenced by a physical examination by a physician within the last year.
- 2) have an understanding of the needs of nursing home residents and the delivery of the highest possible quality of care as evidenced by one year of experience in working with the elderly in programs such as patient care, social work, or advocacy.
- 3) have an understanding and working knowledge of the Act and this Part ~~rules and regulations promulgated thereunder~~ as evidenced in a personal interview of the candidate.

4) have successfully completed a baccalaureate degree; and

5) have two years full-time working experience in the Illinois long-term care industry.

g) Upon appointment of a receiver for a facility by a court, the Department shall inform the individual of all legal proceedings to date which concern the facility.

h) The receiver may request that the Director of the Department authorize expenditures from monies appropriated, pursuant to Section 3-511 of the Act, if incoming payments from the operation of the facility are less than the costs incurred by the receiver.

i) In the case of Department ordered patient transfers, the receiver may:

1) assist in providing for the orderly transfer of all residents in the facility to other suitable facilities, or make other provisions for their continued health;

2) assist in providing for transportation of the resident, his medical records and his belongings if he is transferred or discharged; assist in locating alternative placement; assist in

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 300.270(i)(2) (continued)

preparing the resident for transfer; and permit the resident's legal guardian to participate in the selection of the resident's new location;

3) unless emergency transfer is necessary, explain alternative placements to the resident and provide orientation to the place chosen by the resident or resident's guardian.

j) IN ANY ACTION OR SPECIAL PROCEEDING BROUGHT AGAINST A RECEIVER IN THE RECEIVER'S OFFICIAL CAPACITY FOR ACTS COMMITTED WHILE CARRYING OUT THE AFORESAID POWERS AND DUTIES, THE RECEIVER SHALL BE CONSIDERED A PUBLIC EMPLOYEE UNDER THE ~~LOCAL GOVERNMENTAL AND GOVERNMENTAL EMPLOYEES TORT IMMUNITY ACT~~ (Ill. Rev. Stat. 1987 ~~1983~~ ~~ch. 85, par. 1-101 et seq.~~) A RECEIVER MAY BE HELD LIABLE IN A PERSONAL CAPACITY ONLY FOR THE RECEIVER'S OWN GROSS NEGLIGENCE, INTENTIONAL ACTS OR BREACH OF FIDUCIARY DUTY. (Section 3-513 of the Act) ~~Rev. Stat. 1983, ch. 111 1/2, par. 4153-513~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

Section 300.272 Determination to Issue a Notice of Violation or Administrative Warning

a) Upon receipt of a report of an inspection, survey or evaluation of a facility, the Director or his designee shall review the findings contained in the report to determine WHETHER THE REPORT'S FINDINGS CONSTITUTE A VIOLATION OR VIOLATIONS OF WHICH THE FACILITY MUST BE GIVEN NOTICE AND WHICH THREATEN THE HEALTH, SAFETY, OR WELFARE OF A RESIDENT OR RESIDENTS. All information, evidence, and observations made during an inspection, survey or evaluation shall be considered findings or deficiencies. (Section 3-212(c) of the Act)

b) In making this determination, the Director or his designee shall consider any COMMENTS AND DOCUMENTATION PROVIDED BY THE FACILITY within ~~10~~ ten days of receipt of the report in accordance with Section 300.200(c). (Section 3-212(c) of the Act)

c) In determining whether the findings warrant the issuance of a notice of violation, the Director or his designee shall base his determination on the following factors:

1) THE SEVERITY OF THE FINDING. The Director or his designee will consider whether the finding constitutes a merely technical non-substantial error or whether the finding is serious enough



## Section 300.272(c)(1) (continued)

to constitute an actual violation of the intent and purpose of the standard.

- 2) THE DANGER POSED TO RESIDENT HEALTH AND SAFETY. The Director or his designee will consider whether the finding could pose any direct ~~or indirect~~ harm to the residents.
- 3) THE DILIGENCE AND EFFORTS TO CORRECT DEFICIENCIES AND CORRECTION OF REPORTED DEFICIENCIES BY THE FACILITY. Consideration will be given to any evidence provided by the facility in its comments and documentation that steps have been taken to reduce noted findings and to insure a reduction of deficiencies.
- 4) THE FREQUENCY AND DURATION OF SIMILAR FINDINGS IN PREVIOUS REPORTS AND THE FACILITY'S GENERAL INSPECTION HISTORY. The director or his designee will consider whether the same finding or a similar finding relating to the same condition or occurrence has been included in previous reports and the facility has allowed the condition or occurrence to continue or to recur. (Section 3-212(c) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111-1/2, par. 4153-212(c))~~

d) If the Director or his designee determines that the report's findings constitute a violation or violations which do not directly threaten the health, safety, or welfare of a resident or residents, the ~~DEPARTMENT SHALL ISSUE AN ADMINISTRATIVE WARNING as provided in~~ Section 300.277. (Section 3-303.2(a) of the Act)

e) ~~4)~~ VIOLATIONS SHALL BE DETERMINED UNDER THIS SECTION NO LATER THAN 60 DAYS AFTER COMPLETION OF EACH INSPECTION, SURVEY AND EVALUATION. (Section 3-212(c) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111-1/2, par. 4153-212(c))~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.274 Determination of the Level of a Violation

- a) After determining that issuance of a notice of violation is warranted and prior to issuance of the notice, the Director or his designee will review the findings which are the basis of the violation and any comments and documentation provided by the facility to determine the level of the violation. Each violation shall be determined to be either a level A ~~or level B or level C~~ violation based on the criteria outlined in this Section.

## Section 300.274 (continued)

- b) The following definitions of levels of violations shall be used in determining the level of each violation:
  - 1) A "level A violation" or "type A violation" is A VIOLATION OF THE ACT OR THESE RULES WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY PRESENTING A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS MENTAL OR PHYSICAL HARM WILL RESULT THEREFROM. (Section 1-129 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111-1/2, par. 4151-129)~~
  - 2) A "level B violation" or "type B violation" is A VIOLATION OF THE ACT OR THESE RULES WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY DIRECTLY THREATENING TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT. (Section 1-130 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111-1/2, par. 4151-340)~~
  - 3) A "level C violation" or "type C violation" is A VIOLATION OF THE ACT OR THESE RULES WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY WHICH INDIRECTLY THREATENS THE HEALTH, SAFETY OR WELFARE OF A RESIDENT. (Ill. Rev. Stat. 1985, ch. 111-1/2, par. 4151-131)
- c) In determining the level of a violation, the Director or his designee shall consider the following criteria:
  - 1) The specific requirements of this Part which have been violated and the designated level of violation for those provisions.
    - A) The designated level of violation is indicated by the letter or letters in parentheses following specific provisions. The presence of more than one letter following a specific provision indicates that the provision may be applicable to different levels of violation. The absence of any letter following a specific provision indicates that no designated level of violation applicable to that provision has been determined.
    - B) The designated level of violation will be considered in conjunction with the other criteria contained in subsections (c)(2) and (c)(3) of this Section which may increase or decrease the level of violation cited for a specific violation, except that no violation ~~of a requirement designated as level C~~ will be cited as a



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.274(c)(1)(B) (continued)

level B violation unless there is a direct threat to the health, safety or welfare of a resident, or as a level A violation unless there is a substantial probability of the death of a resident or serious mental or physical harm to a resident.

- 2) The degree of danger to the resident or residents which is posed by the condition or occurrence in the facility. The following factors will be considered in assessing the degree of danger:

- A) Whether the resident or residents of the facility are able to recognize conditions or occurrences which may be harmful and are able to take measures for self-preservation and self-protection. The extent of nursing care required by the residents as indicated by review of patient needs will be considered in relation to this determination.
- B) Whether the resident or residents have access to the area of the facility in which the condition or occurrence exists and the extent of such access. A facility's use of barriers, warning notices, instructions to staff and other means of restricting resident access to hazardous areas will be considered.

- C) Whether the condition or occurrence was the result of inherently hazardous activities or negligence by the facility.

- D) Whether the resident or residents of the facility were notified of the condition or occurrence and the promptness of such notice. Failure of the facility to notify residents of potentially harmful conditions or occurrences will be considered. The adequacy of the method of such notification and the extent to which such notification reduced the potential danger to the residents will also be considered.

- 3) The directness and imminence of the danger to the resident or residents by the condition or occurrence in the facility. In assessing the directness and imminence of the danger, the following factors will be considered:

- A) Whether actual harm, including death, physical injury or illness, mental injury or illness, distress, or pain, to a resident or residents resulted from the condition or

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.274(c)(3)(A) (continued)

occurrence and the extent of such harm.

- B) Whether available statistics and records from similar facilities indicate that direct and imminent danger to the resident or residents has resulted from similar conditions or occurrences and the frequency of such danger.
- C) Whether professional opinions and findings indicate that direct and imminent danger to the resident or residents will result from the condition or occurrence.
- D) Whether the condition or occurrence was limited to a specific area of the facility or was widespread throughout the facility. Efforts taken by the facility to limit or reduce the scope of the area affected by the condition or occurrence will be considered.
- E) Whether the physical, mental, or emotional state of the resident or residents, who are subject to the danger, would facilitate or hinder harm actually resulting from the condition or occurrence.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.276 Notice of Violation

- a) EACH NOTICE OF VIOLATION SHALL BE IN WRITING AND SHALL CONTAIN THE FOLLOWING INFORMATION:

- 1) A description of THE NATURE OF THE VIOLATION.
- 2) A citation of the specific STATUTORY PROVISION OR RULE which the Department believes has been violated. (Section 3-301 of the Act) ~~411 Rev. Stat. 1985, ch. 111, par. 4153-301~~
- 3) A statement of the level of the violation as determined pursuant to Section 300.274.
- 4) One of the following requirements for corrective action:
  - A) For level A violations, a statement that necessary corrective action to ABATE OR ELIMINATE the violation must be taken IMMEDIATELY or within a specific FIXED PERIOD OF TIME NOT EXCEEDING 15 DAYS. In setting this period, the



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

Section 300.276(a)(4)(A) (continued)

Department will consider whether harm to residents of the facility is imminent, whether necessary precautions can be taken to protect residents before the corrective action is completed, and whether delay would pose additional risks to the residents.

- B) For level B violations ~~and level C violations~~, a REQUEST that the facility submit A PLAN OF CORRECTION WITHIN ~~10~~ TEN DAYS OF THE RECEIPT OF THE NOTICE OF VIOLATION pursuant to Section 3-303 of the Act ~~(Ill. Rev. Stat. 1985, ch. 111, § 1-2, par. 4153-303)~~ and Section 300.278 of this Part. (Section 3-301 of the Act)

- 5) A statement that the Department may take additional action under the Act, including assessment of penalties or licensure action.
- 6) A description of the licensee's right to appeal the notice and its right to a hearing.

- b) Each notice of violation shall be sent to the facility and the licensee ~~by registered mail~~ or served personally at the facility WITHIN TEN DAYS after the Director or his designee determines that issuance of a notice of violation is warranted under Section 300.272. (Section 3-301 of the Act)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

Section 300.277 Administrative Warning

- a) Each administrative warning shall be in writing and shall include the following information:

- 1) A description of the nature of the violation.
- 2) A citation of the specific statutory provision or rule which the Department believes has been violated.
- 3) A statement that the FACILITY SHALL BE RESPONSIBLE FOR CORRECTING THE SITUATION, CONDITION, OR PRACTICE. (Section 3-303.2(a) of the Act)

- b) Each administrative warning shall be sent to the facility and the licensee or served personally at the facility within ten days after the Director or his designee determines that issuance of an

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

Section 300.277(b) (continued)

administrative warning is warranted under Section 300.272.

- c) The facility is not required to submit a plan of correction in response to an administrative warning.
- d) If the Department finds, during THE NEXT ON-SITE INSPECTION WHICH OCCURS MORE THAN 90 DAYS AFTER THE ISSUANCE OF THE ADMINISTRATIVE WARNING, that the facility has not CORRECTED THE SITUATION, CONDITION, OR PRACTICE WHICH RESULTED IN THE ISSUANCE OF THE ADMINISTRATIVE WARNING, the Department shall notify the facility of the finding. The facility must then SUBMIT A WRITTEN PLAN OF CORRECTION as provided in Section 300.278. The Department will consider the plan of correction and take any necessary action in accordance with Section 300.278. (Section 3-303.2(b) of the Act)

(Source: Added at 13 Ill. Reg. 4684, effective March 24, 1989)

Section 300.278 Plans of Correction

- a) A FACILITY SHALL HAVE ~~10~~ TEN DAYS AFTER RECEIPT OF A NOTICE OF VIOLATION FOR A LEVEL B ~~OR LEVEL C~~ VIOLATION, or after receipt of a notice under Section 300.277(d) of failure to correct a situation, condition, or practice which resulted in the issuance of an administrative warning, TO PREPARE AND SUBMIT A PLAN OF CORRECTION to the Department. (Section 3-303(b) of the Act)

- b) Within the ~~10~~ ten-day period, a facility may request additional time for submission of the plan of correction. The Department will extend the period for submission of the plan of correction for an additional 30 days, when it finds that corrective action by a facility to abate or eliminate the violation will require SUBSTANTIAL CAPITAL IMPROVEMENT. The Department will consider the extent and complexity of necessary physical plant repairs and improvements and any impact on the health, safety, or welfare of the residents of the facility in determining whether to grant a requested extension. (Section 3-303(b) of the Act)

- c) Each plan of correction shall be based on an assessment by the facility of the conditions or occurrences which are the basis of the violation and an evaluation of the practices, policies, and procedures which have caused or contributed to the conditions or occurrences. Evidence of such assessment and evaluation shall be maintained by the facility. Each plan of correction shall include:

- 1) A description of the specific corrective action the facility is



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.278(c)(1) (continued)

- taking, or plans to take, to abate, eliminate, or correct the violation cited in the notice.
- 2) A description of the steps which will be taken to avoid future occurrences of the same and similar violations.
  - 3) A specific date by which the corrective action will be completed.
  - d) Submission of a plan of correction shall not be considered an admission by the facility that the violation has occurred.
  - e) The Department shall review each plan of correction to insure that it provides for the abatement, elimination, or correction of the violation. The Department shall reject a submitted plan only if it finds any of the following deficiencies:
    - 1) The plan does not appear to address the conditions or occurrences which are the basis of the violation and an evaluation of the practices, policies, and procedures which have caused or contributed to the conditions or occurrences.
    - 2) The plan is not specific enough to indicate the actual actions the facility will be taking to abate, eliminate, or correct the violation.
    - 3) The plan does not provide for measures which will abate or eliminate, or correct the violation.
    - 4) The plan does not provide steps which will avoid future occurrences of the same and similar violations.
    - 5) The plan does not provide for timely completion of the corrective action, considering the seriousness of the violation, any possible harm to the residents, and the extent and complexity of the corrective action.
  - f) When the Department rejects a submitted plan of correction, it shall notify the facility. The notice of rejection shall be in writing and shall specify THE REASON FOR THE REJECTION. THE FACILITY SHALL HAVE ~~10~~ TEN DAYS AFTER RECEIPT OF THE NOTICE OF REJECTION TO SUBMIT A MODIFIED PLAN. (Section 3-303(b) of the Act)
  - g) If a facility fails to submit a plan or modified plan meeting the criteria in subsection (c) within the prescribed time periods in subsection (a) or subsection (d), AN APPROVED PLAN OF CORRECTION WILL

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.278(g) (continued)

BE IMPOSED BY THE DEPARTMENT. (Section 3-303(b) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111, 112, par. 4153-303(b))~~

- h) The Department shall verify the completion of the corrective action required by the plan of correction within the specified time period during subsequent investigations, surveys and evaluations of the facility.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.280 Reports of Correction

- a) In lieu of submission of a plan of correction, a facility may submit a report of correction if the corrective action has been completed. The report of correction must be submitted within the time periods required in Section 300.278 for submission of a plan of correction.
- b) Each report of correction shall be based on an assessment by the facility of the conditions or occurrences which are the basis of the violation and an evaluation of the practices, policies, and procedures which have caused or contributed to the conditions or occurrences. Evidence of such assessment and evaluation shall be maintained by the facility. Each report of correction shall include:
  - 1) A description of the specific corrective action the facility has taken to abate, eliminate, or correct the violation cited in the notice.
  - 2) A description of the steps which have been taken to avoid future occurrences of the same and similar violations.
  - 3) The specific date on which the corrective action was completed.
  - 4) A signed statement by the administrator of the facility that the report of correction is true and accurate, which shall be considered an oath for the purposes of any legal proceedings.
- c) Submission of a report of correction shall not be considered an admission by the facility that the violation has occurred.
- d) The Department shall review and approve or disapprove the report of correction based on the criteria outlined in Section 300.278(d) for review of plans of correction. If a report of correction is disapproved, the facility shall be subject to a plan of correction



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.280(d) (continued)

imposed by the Department as provided in Section 300.278.

- e) The Department shall verify the completion of the corrective action outlined in the report of correction during subsequent investigations, surveys and evaluations of the facility.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.282 Conditions for Assessment of Penalties

The Department shall consider the assessment of a monetary penalty against a facility under the following conditions:

- a) When a notice of violation for a level A violation is issued.
  - 1) The penalty to be assessed for this violation shall be the greater of the following:
    - A) An amount NOT LESS THAN \$5000 as determined by the Director or his designee considering the factors outlined in Section 300.286(a), or
    - B) The total of the following:
      - i) \$5 PER RESIDENT IN THE FACILITY, PLUS
      - ii) \$.20 PER RESIDENT FOR EACH DAY OF THE VIOLATION, COMMENCING ON THE DAY ON WHICH THE NOTICE OF VIOLATION IS RECEIVED BY THE FACILITY AND ENDING ON THE DAY THE NECESSARY CORRECTIVE ACTION IS COMPLETED. (Section 3-305(1) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111-1/2, par. 4153-305(1))~~
  - 2) The facility shall also be issued a conditional license for a period of six months as provided in Section 300.260.
- b) When a facility fails to abate or eliminate a level A violation immediately or within the period set by the Department in the notice of violation pursuant to Section 300.276(a)(4)(A).
  - 1) The facility shall be cited for a repeat violation.
  - 2) The penalty to be assessed shall be three times the penalty computed under subsection (a)(1) of this Section.

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.282(b) (continued)

- 3) The license of the facility shall be revoked as provided in Section 300.180.
- c) When a notice of violation for a level B violation is issued.
  - 1) The penalty to be assessed for this violation shall be the greater of the following:
    - A) An amount NOT LESS THAN \$500 as determined by the Director or his designee considering the factors outlined in Section 300.286(a), or
    - B) The total of the following:
      - i) \$3 PER RESIDENT IN THE FACILITY, PLUS
      - ii) \$.15 PER RESIDENT FOR EACH DAY OF THE VIOLATION, COMMENCING ON THE DAY ON WHICH THE NOTICE OF VIOLATION IS RECEIVED BY THE FACILITY AND ENDING ON THE DAY THE NECESSARY CORRECTIVE ACTION IS COMPLETED. (Section 3-305(2) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111-1/2, par. 4153-305(2))~~
  - 2) Upon acceptance of a plan of correction by the Department, assessment of the penalty shall be suspended by the Department. No additional penalty shall be imposed for days during which the plan of correction is in effect.
- d) When a facility fails to correct a level B violation within the time period specified in the plan of correction approved by the Department.
  - 1) The facility shall be cited for a repeat violation.
  - 2) The penalty to be assessed shall be computed in accordance with subsection (c)(1) of this Section. Days during which the plan of correction was in effect shall be included in the calculation of the penalty.
  - 3) The facility shall also be issued a conditional license for a period of at least six months as provided in Section 300.260.
  - e) ~~When a facility fails to implement the corrective action required in the plans of correction for ten or more level C violations within the time period required in the plans of correction approved by the Department and fails to substantially address the issues raised by~~



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

Section 300.282(d) (continued)

- ~~the violations routinely throughout the facility.~~
- ~~1) The facility shall be cited for repeat violations.~~
- ~~2) The penalty to be assessed shall be calculated as the total of the following:~~
  - ~~A) \$1.50 PER RESIDENT IN THE FACILITY, PLUS~~
  - ~~B) \$1.00 PER RESIDENT FOR EACH DAY OF THE REPEAT VIOLATIONS, COMMENCING ON THE DAY ON WHICH THE NOTICES OF THE REPEAT VIOLATIONS ARE RECEIVED BY THE FACILITY AND ENDING ON THE DAY THE NECESSARY CORRECTIVE ACTION IS COMPLETED. (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-305(3))~~

e) ~~f) WHEN A NOTICE OF VIOLATION IS ISSUED FOR A VIOLATION OF ARTICLE II OF THE ACT (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-101 through 4152-212) WITH REGARD TO THE RIGHTS OF A PARTICULAR RESIDENT OF THE FACILITY, THE DEPARTMENT SHALL ORDER THE FACILITY TO REIMBURSE THE RESIDENTS FOR ANY INJURIES INCURRED OR IF THE AMOUNT OF THE INJURIES IS LESS THAN \$100, THE DEPARTMENT SHALL ORDER THE FACILITY TO PAY \$100 TO THE RESIDENT. (Section 3-305(7) of the Act) (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-305(7))~~

(Source: Amended at 13 Ill. Reg. 4684 effective March 24, 1989)

Section 300.284 Calculation of Penalties

- a) For the purpose of calculating penalties as provided in Section 300.282, EACH DAY ON WHICH A VIOLATION CONTINUES TO EXIST AFTER THE DAY ON WHICH NOTICE OF THE VIOLATION IS RECEIVED BY THE FACILITY SHALL BE CONSIDERED A SEPARATE VIOLATION. The Department shall not be required to send additional notices of violation to the facility for such continuing violations. (Section 3-302 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-302)~~
- b) For purposes of calculating penalties as provided in Section 300.282, THE NUMBER OF RESIDENTS IN THE FACILITY AND THE NUMBER OF RESIDENTS ON EACH DAY SHALL BE CALCULATED AS THE AVERAGE NUMBER OF RESIDENTS IN THE FACILITY DURING THE ~~THIRTY~~ 30 DAYS IMMEDIATELY PRECEDING THE DAY ON WHICH THE FINDINGS WERE MADE IN THE FACILITY AND THE CONDITIONS OR OCCURRENCES DETERMINED TO BE A VIOLATION WERE DISCOVERED. The number of residents in the facility on the day on which the findings were made in the facility will be considered to be

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

Section 300.284(b) (continued)

the same as the average number of residents in the facility during the preceding ~~thirty~~ 30 days, unless evidence is provided by the facility substantiating that the average number of residents for that period was different. Changes in the number of residents in the facility subsequent to the day on which the findings were made shall not be considered in the calculation. (Section 3-305(5) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-305(6))~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

Section 300.286 Determination to Assess Penalties

- a) The Director or his designee shall consider the following factors in determining whether or not to assess penalties for violations under the conditions outlined in Section 300.282.
  - 1) THE SEVERITY OF HARM, INCLUDING DEATH OR SERIOUS PHYSICAL OR MENTAL HARM, WHICH HAS RESULTED TO A RESIDENT AND THE EXTENT TO WHICH RESIDENTS HAVE BEEN SUBJECT TO POTENTIAL SERIOUS HARM. A penalty will be assessed when the Director or his designee finds that death or serious physical or mental harm to a resident has occurred or that the facility has knowingly subjected residents to potential serious harm.
  - 2) THE GRAVITY OF THE VIOLATION AND THE EXTENT TO WHICH THE PROVISIONS OF THE ACT OR THIS PART ~~RULES~~ WERE VIOLATED. The Director or his designee will assess a monetary penalty if he finds that the violation occurred or continued, is widespread throughout the facility or evidences flagrant violation or the Act or this Part ~~these rules~~.
  - 3) THE EXTENT AND SERIOUSNESS OF ANY PREVIOUS VIOLATIONS COMMITTED BY THE FACILITY AND THE EXTENT OF DILIGENCE EXERCISED BY THE FACILITY TO CORRECT SUCH VIOLATIONS. The Director or his designee will assess a penalty when he finds that the facility has been cited for similar violations and has failed to correct such violations as promptly as practicable or has failed to exercise diligence in taking necessary corrective action. The Director or his designee will also consider any evidence that the violations constitute a pattern of deliberate action by the facility. The extent of any change in the ownership and management of the facility will be considered in relation to the seriousness of previous violations.



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.286(a) (continued)

- 4) ANY POSSIBLE FINANCIAL BENEFIT THE FACILITY COULD GAIN AS A RESULT OF COMMITTING OR CONTINUING THE VIOLATION. Such benefits include, but are not limited to, diversion of costs associated with physical plant repairs, staff salaries, consultant fees, or direct patient care services. (Section 3-306 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-306)~~

- b) If the Director or his designee determines that a penalty is to be assessed, a written notice of penalty assessment shall be sent to the facility ~~by registered mail~~. Each notice of penalty assessment shall include:

- 1) THE AMOUNT OF THE PENALTY being assessed as provided in Section 300.282.
  - 2) The amount of any reduction or whether the penalty has been waived pursuant to Section 300.288.
  - 3) A description of THE VIOLATION, including a reference to the notices of violation and plans of correction which are the basis of the assessment.
  - 4) A citation to the provision of THE ACT OR THE RULE which the facility has violated.
  - 5) A description of the right of the facility to appeal the assessment and of the RIGHT OF THE FACILITY TO A HEARING.
  - 6) For violations which are continuing at the time the notice of assessment, THE AMOUNT OF ADDITIONAL PENALTIES PER DAY which will be assessed. (Section 3-307 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-307)~~
- c) Penalties shall be paid by the facility to the Department within the time periods provided in Section 3-310 of the Act. ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-310)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.288 Reduction or Waiver of Penalties

- a) Reductions for all types of violations subject to penalties.
- 1) The Director or his designee shall consider the factors

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.288(a)(1) (continued)

contained in Section 300.286(a) in determining whether to reduce the amount of the penalty to be assessed from the amount calculated pursuant to Section 300.284 and in determining the amount of such reduction.

- 2) When the Director or his designee finds that correction of a violation required capital improvements or repairs in the physical plant of the facility and the facility has a history of compliance with physical plant requirements, the penalty will be reduced by the amount of the cost of the improvements or repairs. This reduction, however, shall not reduce the penalty for a level A violation to an amount less than \$1000.

## b) Reductions and waivers for level B violations.

- 1) Penalties resulting from level B violations may be reduced or waived only under one of the following conditions:
  - A) THE FACILITY SUBMITS A REPORT OF CORRECTION WITHIN TEN DAYS after the notice of violation is received, and the report is subsequently verified by the Department.
  - B) THE FACILITY SUBMITS A PLAN OF CORRECTION WITHIN TEN DAYS after the notice of violation is received, the plan is approved by the Department. THE FACILITY SUBMITS A REPORT OF CORRECTION WITHIN ~~FIFTEEN~~ 15 DAYS after submission of the plan or correction, and the report is subsequently verified by the Department.
  - C) THE FACILITY SUBMITS A PLAN OF CORRECTION WITHIN TEN DAYS after the notice of violation is received, THE PLAN PROVIDES FOR CORRECTION WITHIN NOT MORE THAN ~~THIRTY~~ 30 DAYS after submission of the plan of correction, and THE PLAN IS APPROVED BY THE DEPARTMENT.
  - D) Correction of the violation requires substantial capital improvements or repairs in the physical plant of the facility. THE FACILITY SUBMITS A PLAN OR CORRECTION INVOLVING SUBSTANTIAL CAPITAL COSTS, THE PLAN OF CORRECTION PROVIDES COMPLETION OF THE CORRECTIVE ACTION WITHIN ~~NINETY~~ 90 DAYS after submission of the plan, and the plan is approved by the Department. (Section 3-308 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-308)~~
- 2) Under these conditions, the Director or his designee shall



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.288(b)(2) (continued)

consider the factors outlined in Section 300.286(a) in determining whether to reduce or waive the penalty and in setting the amount of any reduction.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.290 Quarterly List of Violators

- a) THE DEPARTMENT SHALL PREPARE ON A QUARTERLY BASIS A LIST CONTAINING THE NAMES AND ADDRESSES OF ALL FACILITIES AGAINST WHICH THE DEPARTMENT DURING THE PREVIOUS QUARTER HAS:

1) Issued a NOTICE OF PENALTY ASSESSMENT for a level A violation as provided in Section 300.286 of this Part and Section 3-305(1) of the Act. ~~sent a notice under Section 3-307 regarding a penalty assessment under subsections (1), (2), (4) or (5) of Section 3-305;~~

2) Issued a NOTICE OF REVOCATION of the facility's license as provided in Section 300.180 of this Part and ~~sent a notice of license revocation under~~ Section 3-119 of the Act. ~~+~~

3) Issued a NOTICE REFUSING RENEWAL of the facility's license as provided in Section 300.175 of this Part and ~~sent a notice refusing renewal of a license under~~ Section 3-119 of the Act. ~~+~~

4) Issued a NOTICE TO SUSPEND the facility's license as provided in ~~sent a notice to suspend a license under~~ Section 3-119 of the Act. ~~+~~

5) ISSUED A CONDITIONAL LICENSE to the facility based on violations which were not corrected as provided in Section 300.260 of this Part and Section 3-313 of the Act. ~~issued a conditional license for violations and penalties described under Sections 3-301 and 3-303;~~

6) PLACED A MONITOR IN THE FACILITY as provided in Section 300.270 of this Part and Section 3-501 of the Act for one of the following reasons: ~~placed a monitor under subsections (a), (b) and (c) of Section 3-501 and under subsection (d) of such Section where license revocation or nonrenewal notices have also been issued;~~

A) The facility is operating without a license.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.290(a)(6) (continued)

B) The Department has revoked or refused to renew the license of the facility.

C) The facility is closing or has informed the Department that it intends to close and adequate arrangements for relocation of residents have not been made at least 30 days prior to closure.

D) The Department determines that an emergency exists and HAS ISSUED A NOTICE OF REVOCATION OR NONRENEWAL against the facility's license.

7) INITIATED AN ACTION TO APPOINT A RECEIVER. ~~+~~

8) RECOMMENDED TO THE DIRECTOR OF THE DEPARTMENT OF PUBLIC AID, OR THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE DECERTIFICATION FOR VIOLATIONS IN RELATION TO PATIENT CARE OF A FACILITY PURSUANT TO TITLES XVIII AND XIX ~~(42 U.S.C. Sections 1395 et seq. and 1396 et seq.) OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C. 1395 et seq. and 1396 et seq.). (Section 3-304(a) of the Act) (Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-304(a))~~

b) IN ADDITION TO THE NAME AND ADDRESS OF THE FACILITY, THE LIST SHALL INCLUDE THE NAME AND ADDRESS OF THE PERSON OR LICENSEE AGAINST WHOM THE ACTION HAS BEEN INITIATED. A SELF-EXPLANATORY SUMMARY OF THE FACTS WHICH WARRANTED THE INITIATION OF EACH ACTION, THE TYPE OF ACTION INITIATED, THE DATE OF THE INITIATION OF THE ACTION, THE AMOUNT OF THE PENALTY SOUGHT TO BE ASSESSED, IF ANY, AND THE FINAL DISPOSITION OF THE ACTION, IF COMPLETED. (Section 3-304(b) of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-304(b))~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.300 Alcoholism Treatment Programs In Long-Term Care Facilities

a) A long-term care facility that desires to provide an alcoholism treatment program must first receive written approval from ~~both the Department Division of Health Facilities Surveillance and the Division of Health Facilities Standards~~. Such approval will be granted only if it can be shown that such program will not interfere in any way with the residents in the other parts of the facility. ~~(G)~~

b) Any alcoholism treatment program in a long-term care facility must



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.300(b) (continued)

meet the program standards of the rules for Alcoholism and Substance Abuse Treatment, Intervention and Research Programs ~~Alcoholism and Intoxication Treatment Programs~~ (77 Ill. Adm. Code 2058 ~~200~~), as promulgated by the Illinois Department of Alcoholism and Substance Abuse ~~Public Health~~ under the Illinois Alcoholism and Other Drug Dependency Act ~~Alcoholism Treatment Licensing Act~~ (Ill. Rev. Stat. 1987 ~~1979~~, ch. 111 1/2, par. 6351-1 ~~2301~~ et seq.) ~~(C)~~

- c) The alcoholism treatment program must be in a completely separate distinct part of the long-term care facility, and must include all beds in that distinct part. It must be completely separated from the rest of the facility, and have separate entrances. ~~(C)~~
- d) Beds designated for alcoholism treatment cannot be used for long-term care residents, nor can beds designated for long-term care residents be used for residents undergoing treatment for alcoholism. ~~(C)~~
- e) The alcoholism treatment program staff will not be utilized in performing services in the long-term care area of the facility, nor will long-term care program staff be utilized to provide any services in the alcoholism treatment designated area. ~~(C)~~
- f) There may be joint use of laundry, food service, housekeeping and administrative services, provided written approval is obtained from the Department ~~Division of Health Facilities Surveillance~~. Such approval will be granted only if it can be shown that such joint usage will not interfere in any way with the residents in other parts of the facility. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.310 Department May Survey Facilities Formerly Licensed

THE DEPARTMENT MAY SURVEY ANY FORMER FACILITY WHICH ONCE HELD A LICENSE TO INSURE THAT THE FACILITY IS NOT ~~AGAIN~~ OPERATING WITHOUT A LICENSE. (Section 3-107 of the Act)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.320 Waivers

- a) UPON APPLICATION BY A FACILITY, THE DIRECTOR MAY GRANT OR RENEW THE WAIVER OF THE FACILITY'S COMPLIANCE WITH A RULE OR STANDARD FOR A

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.320(a) (continued)

PERIOD NOT TO EXCEED THE DURATION OF THE CURRENT LICENSE OR, IN THE CASE OF AN APPLICATION FOR LICENSE RENEWAL, THE DURATION OF THE RENEWAL PERIOD. (Section 3-303.1 of the Act)

- b) THE WAIVER MAY BE CONDITIONED UPON THE FACILITY TAKING ACTION PRESCRIBED BY THE DIRECTOR AS A MEASURE EQUIVALENT TO COMPLIANCE. (Section 3-303.1 of the Act)
- c) IN DETERMINING WHETHER TO GRANT OR RENEW A WAIVER, THE DIRECTOR SHALL CONSIDER:
  - 1) THE DURATION AND BASIS FOR ANY CURRENT WAIVER WITH RESPECT TO THE SAME RULE OR STANDARD;
  - 2) THE CONTINUED VALIDITY OF EXTENDING THE WAIVER ON THE SAME BASIS;
  - 3) THE EFFECT UPON THE HEALTH AND SAFETY OF RESIDENTS;
  - 4) THE QUALITY OF RESIDENT CARE ~~(i.e., whether the waiver would reduce the overall quality of the resident care below that required by the Act or this Part);~~
  - 5) THE FACILITY'S HISTORY OF COMPLIANCE WITH THE ~~RULES AND STANDARDS OF THIS~~ ACT AND THIS PART ~~(i.e., the existence of a consistent pattern of violation of the Act or rules of this Part); and~~
  - 6) THE FACILITY'S ATTEMPTS TO COMPLY WITH THE PARTICULAR RULE OR STANDARD IN QUESTION. (Section 3-303.1 of the Act)
- d) THE DEPARTMENT SHALL RENEW WAIVERS RELATING TO PHYSICAL PLANT STANDARDS ISSUED PURSUANT TO THIS SECTION AT THE TIME OF THE INDICATED REVIEWS, UNLESS IT CAN SHOW WHY SUCH WAIVERS SHOULD NOT BE EXTENDED FOR THE FOLLOWING REASONS:
  - 1) THE CONDITION OF THE PHYSICAL PLANT HAS DETERIORATED OR ITS USE SUBSTANTIALLY CHANGED SO THAT THE BASIS UPON WHICH THE WAIVER WAS ISSUED IS MATERIALLY DIFFERENT; OR
  - 2) THE FACILITY IS RENOVATED OR SUBSTANTIALLY REMODELED IN SUCH A WAY AS TO PERMIT COMPLIANCE WITH THE APPLICABLE RULES AND STANDARDS WITHOUT SUBSTANTIAL INCREASE IN COST. (Section 3-303.1 of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4153-303.1)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.330 Definitions

~~a) Each definition is considered to be a separate rule, but they are not given individual numbers because they are listed alphabetically, and numbers would have to be changed each time a new definition was added or deleted.~~

~~b)~~ The terms defined in this Section ~~below~~ are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

ABUSE - ANY PHYSICAL OR MENTAL INJURY OR SEXUAL ASSAULT INFLICTED ON A RESIDENT OTHER THAN BY ACCIDENTAL MEANS IN A FACILITY. (Section 1-103 of the Act)

ACCESS - THE RIGHT TO:

ENTER ANY FACILITY:

COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT WHO CONSENTS TO THE COMMUNICATION;

SEEK CONSENT TO COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT;

INSPECT THE CLINICAL AND OTHER RECORDS OF A RESIDENT WITH THE EXPRESS WRITTEN CONSENT OF THE RESIDENT;

OBSERVE ALL AREAS OF THE FACILITY EXCEPT THE LIVING AREA OF ANY RESIDENT WHO PROTESTS THE OBSERVATION. (Section 1-104 of the Act)

~~The Act - as used in this Part these standards, the "Nursing Home Care Reform Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 85-968, effective December 9, 1987; Public Act 85-1183, effective August 13, 1988; and Public Act 85-1378, effective September 1, 1988). of 1979, as amended."~~

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.330 (continued)

Addition - any construction attached to the original building which increases the area or cubic content of the building.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 300.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a level A or level B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

AFFILIATE MEANS:

WITH RESPECT TO A PARTNERSHIP, EACH PARTNER THEREOF.

WITH RESPECT TO A CORPORATION, EACH OFFICER, DIRECTOR AND STOCKHOLDER THEREOF.

WITH RESPECT TO A NATURAL PERSON: ANY PERSON RELATED IN THE FIRST DEGREE OF KINSHIP TO THAT PERSON; EACH PARTNERSHIP AND EACH PARTNER THEREOF OF WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS A PARTNER; AND EACH CORPORATION IN WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS AN OFFICER, DIRECTOR OR STOCKHOLDER. (Section 1-106 of the Act)

Aide or Orderly - any person providing direct personal care, training ~~and/or~~ or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area or cubic content of the building.



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.330 (continued)

Ambulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

APPLICANT - ANY PERSON MAKING APPLICATION FOR A LICENSE. (Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial ~~etc.~~ aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

Autism - A syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; Mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave - an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel - all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement - when used in this Part ~~these regulations~~ means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns.

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.330 (continued)

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - a charge nurse is a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Community Alternatives - service programs in the community provided as an alternative to institutionalization.

Community Living Facility - see Facility, Community Living.

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's ~~his~~ life.

Contract - a binding agreement between a resident or the resident's ~~his~~ guardian (or, if the resident is a minor, the resident's ~~his~~ parent) and the facility or its agent.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse. Examples of physical abuse are restraining a resident, striking, slapping, hitting, or withholding food as punishment. Examples of mental abuse are swearing, threatening and seclusion.

Dentist - any person licensed by the State of Illinois to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act (Ill. Rev. Stat. 1987 ~~1983~~, ch. 111, par. 2301 ~~2202~~ et seq.).



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.330 (continued)

Department - as used in this Part ~~these standards~~ means the Illinois Department of Public Health.

Developmentally Disabled - those individuals whose disability is attributable to mental retardation, cerebral palsy, epilepsy, autism, or other pathological conditions which generally originate before such individuals attain age ~~eighteen~~ ~~(18)~~, and which continue, or can be expected to continue, indefinitely, and which constitute a substantial functioning handicap to such individuals.

Developmental Disability - a severe, chronic disability of a person which:

is attributable to a mental or physical impairment or combination of mental and physical impairment or combination of mental and physical impairments;

is manifest before age ~~twenty-two~~ ~~(22)~~;

is likely to continue indefinitely;

results in substantial functional limitations in three ~~(3)~~ or more of the following areas of major life activities:

self-care;

receptive and expressive language;

learning;

mobility;

self-direction;

capacity for independent living; and

economic self-sufficiency; and

reflects the persons's needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of life-long or extended duration and individually planned and coordinated.

Dietetic Service Supervisor - a person who:

is a qualified dietitian; or

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.330 (continued)

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or

is a graduate of a Department-approved course that provides ~~thirty~~ ~~(90)~~ or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or

has training and experience in food service supervision and management in a military service equivalent in content to the program in paragraph (2) or (3) of this definition.

Dietitian - a person who:

is eligible for registration by the American Dietetic Association; or

has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one ~~(1)~~ year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Direct Care Aide - Any person who provides nursing care, personal care ~~and/or~~ or psychosocial support to residents of Specialized Living Facilities, regardless of title, and who is not a Qualified Professional, as defined in these rules. Director Care Aides must function under the supervision of a licensed nurse when performing nursing or personal care duties.

Direct Supervision - means that work is performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

DIRECTOR - THE DIRECTOR OF PUBLIC HEALTH OR HIS DESIGNEE. (Section 1-110 of the Act)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.



## Section 300.330 (continued)

DISCHARGE - THE FULL RELEASE OF ANY RESIDENT FROM A FACILITY.  
(Section 1-111 of the Act)

Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

Emergency - a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility.

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Equivalent of a Graduate Licensed Practical Nurse - a licensed practical nurse, licensed by waiver who successfully passes the proficiency examination approved by the U.S. Department of Health and Human Services shall be considered the equivalent of a licensed practical nurse who is a graduate of an approved school of practical nursing for the purposes of this Part ~~these standards~~.

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility, Community Living - a place of residence as limited in these standards for between five ~~(5)~~ and ~~eighty~~ ~~(80)~~ ambulatory adults who are mildly or moderately mentally retarded with a potential for being absorbed into the mainstream of community life.

Facility, Intermediate Care - a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

## Section 300.330 (continued)

Facility, Intermediate Care for the Developmentally Disabled - when used in this Part ~~these standards~~ is a facility of three ~~(3)~~ or more persons, or distinct part thereof, serving residents of which more than ~~fifty~~ ~~(50)~~ percent are developmentally disabled. Facilities with any number less than ~~fifty~~ ~~(50)~~ percent of developmentally disabled residents, who are determined by the Department with consultation from the Division of Developmental Disabilities, Illinois Department of Mental Health and Developmental Disabilities to need organized social support and training programs, must comply with the program requirements in these minimum Standards.

FACILITY OR LONG-TERM CARE FACILITY - A PRIVATE HOME, INSTITUTION, BUILDING, RESIDENCE, OR ANY OTHER PLACE, WHETHER OPERATED FOR PROFIT OR NOT, OR A COUNTY HOME FOR THE INFIRM AND CHRONICALLY ILL OPERATED PURSUANT TO ~~THE COUNTY HOME ACT~~ ~~(Ill. Rev. Stat. 1983 1987, ch. 53, par. 61 et seq.)~~, AS NOW OR HEREAFTER AMENDED, OR BY A COUNTY PURSUANT TO "AN ACT IN RELATION TO HOMES FOR THE AGED" ~~APPROVED~~ ~~384 21, 1959~~ ~~(Ill. Rev. Stat. 1983 1987, ch. 34, par. 351 et seq.)~~ AS NOW OR HEREAFTER AMENDED, OR ANY SIMILAR INSTITUTION OPERATED BY A POLITICAL SUBDIVISION OF THE STATE OF ILLINOIS, WHICH PROVIDES, THROUGH ITS OWNERSHIP OR MANAGEMENT, PERSONAL CARE, SHELTERED CARE OR NURSING FOR THREE ~~(3)~~ OR MORE PERSONS, NOT RELATED TO THE APPLICANT OR OWNER BY BLOOD OR MARRIAGE. IT INCLUDES SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES AS THOSE TERMS ARE DEFINED IN TITLE XVIII AND TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C.A. 1395 et seq. and 1396 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "FACILITY" DOES NOT INCLUDE THE FOLLOWING:

A HOME, INSTITUTION, OR OTHER PLACE OPERATED BY THE FEDERAL GOVERNMENT OR AGENCY THEREOF, OR BY THE STATE OF ILLINOIS;

A HOSPITAL, SANITARIUM, OR OTHER INSTITUTION WHOSE PRINCIPAL ACTIVITY OR BUSINESS IS THE DIAGNOSIS, CARE, AND TREATMENT OF HUMAN ILLNESS THROUGH THE MAINTENANCE AND OPERATION AS ORGANIZED FACILITIES THEREFOR, WHICH IS REQUIRED TO BE LICENSED UNDER THE "HOSPITAL LICENSING ACT" ~~(Ill. Rev. Stat. 1983 1987, ch. 111 1/2, par. 142 et seq.)~~ AS NOW OR HEREAFTER AMENDED; OR

ANY "FACILITY FOR CHILD CARE" AS DEFINED IN THE ~~CHILD CARE ACT OF 1969~~ ~~(Ill. Rev. Stat. 1983 1987, ch. 23, par. 2211 et seq.)~~ AS NOW OR HEREAFTER AMENDED. (Section 1-113 of the Act)

Facility, Skilled Nursing - when used in this Part is synonymous with



## Section 300.330 (continued)

a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility - sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two ~~(2)~~ month period of time.

Full-time - means on duty a minimum of ~~thirty-six (36)~~ hours, four ~~(4)~~ days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

GUARDIAN - A PERSON APPOINTED AS A GUARDIAN OF THE PERSON OR GUARDIAN OF THE ESTATE, OR BOTH, OF A RESIDENT UNDER THE ~~PROBATE ACT OF 1975~~ (Ill. Rev. Stat. ~~1983~~ 1987, ch. 110 1/2, par. 1-1 et seq.) AS NOW OR HEREAFTER AMENDED. (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health Services Supervisor - (Director of Nursing Service) the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged - any facility which is operated: by a not for

## Section 300.330 (continued)

profit corporation incorporated under, or qualified as a foreign corporation under, the "General Not For Profit Corporation Act of 1986" ~~approved July 17, 1943~~, as heretofore or hereafter amended (Ill. Rev. Stat. ~~1983~~ 1987, ch. 32, par. ~~163a~~ 101.01 et seq.); or, by a county pursuant to "AN ACT in relation to homes for the aged", ~~approved July 21, 1959~~, as heretofore or hereafter amended (Ill. Rev. Stat. ~~1983~~ 1987, ch. 34, par. 3561 et seq.); or, pursuant to a trust or endowment established for nonprofit, charitable purposes, and which provides maintenance, personal care, nursing or sheltered care to three ~~(3)~~ or more residents, ~~ninety~~ 90 percent of whom are ~~sixty (60)~~ or more years of age.

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

House Manager - a qualified person on duty ~~forty (40)~~ hours a week managing the Community Living Facility and responsible for its operation and its inhabitants.

Individual Educational Program (IEP) - a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Institutional Occupancy - when used in this Part -these regulations-- means Health Care Facilities, Group (a), as defined in Chapter 10, paragraph 10-0001 of the Life Safety Code, National Fire Protection Association (1967 Edition).

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for The Developmentally Disabled (ICF-DD's) at least one member of the team shall be a Qualified Mental Retardation Professional.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the "Nursing Home Administrators Licensing and Disciplinary



## Section 300.330 (continued)

Act— (Ill. Rev. Stat. ~~1983~~ 1987, ch. 111, par. 3651 et seq. ~~par. 3601-3633~~), as now or hereafter amended.

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

LICENSEE - THE PERSON OR ENTITY LICENSED TO OPERATE THE FACILITY AS PROVIDED UNDER THE ACT. (Section 1-115 of the Act)

Life Care Contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's ~~his~~ life.

MAINTENANCE - FOOD, SHELTER, AND LAUNDRY SERVICES. (Section 1-116 of the Act)

Maladaptive Behavior - impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner - a person who: is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without assistance, but able to move from place to place with the use of devices such as walkers, crutches, wheelchairs, or wheeled platforms, ~~and so forth~~.

Mobile Resident - any resident who is able to move about either

## Section 300.330 (continued)

independently or with the aid of assistive devices such as walkers, crutches, wheelchairs, or wheeled platforms, ~~and so forth~~.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

NEGLECT - A FAILURE IN A FACILITY TO PROVIDE ADEQUATE MEDICAL OR PERSONAL CARE OR MAINTENANCE, WHICH FAILURE RESULTS IN PHYSICAL OR MENTAL INJURY TO A RESIDENT OR IN THE DETERIORATION OF A RESIDENT'S PHYSICAL OR MENTAL CONDITION. (Section 1-117 of the Act)

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

NURSE - A REGISTERED NURSE OR A LICENSED PRACTICAL NURSE AS DEFINED IN ~~THE ILLINOIS NURSING ACT OF 1987~~ (Ill. Rev. Stat. ~~1983~~ 1987, ch. 111, par. ~~3401~~ 3501 et seq.) AS NOW OR HEREAFTER AMENDED. (Section 1-118 of the Act)

Nursing Assistant - Any person who provides nursing care ~~and/or~~ or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation ~~Registration and Education~~ to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing



## Section 300.330 (continued)

procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit - a physically identifiable distinct part of a facility consisting of all the beds within the distinct part, but having no more than ~~seventy-five (75)~~ beds, none of which are more than ~~one hundred twenty (120)~~ feet from the nurse's station.

Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered with the Department of Professional Regulation ~~Registration and Education~~ as an occupational therapist under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1987 ~~1983~~, ch. 111, par. 3701 et seq.).

Occupational Therapy Assistant - a person who is registered with the Department of Professional Regulation ~~Registration and Education~~ as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1987 ~~1983~~, ch. 111, par. 3701 et seq.).

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Oversight - general watchfulness and appropriate reaction to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

OWNER - THE INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER PERSON WHO OWNS A FACILITY. IN THE EVENT A FACILITY IS OPERATED BY A PERSON WHO LEASES THE PHYSICAL PLANT, WHICH IS OWNED BY ANOTHER PERSON, "OWNER" MEANS THE PERSON WHO OPERATES THE FACILITY, EXCEPT THAT IF THE PERSON WHO OWNS THE PHYSICAL PLANT IS AN AFFILIATE OF THE PERSON WHO OPERATES THE FACILITY AND HAS SIGNIFICANT CONTROL OVER THE DAY-TO-DAY OPERATIONS OF THE FACILITY, THE PERSON WHO OWNS THE PHYSICAL PLANT SHALL INCUR JOINTLY AND SEVERALLY WITH THE OWNER ALL LIABILITIES IMPOSED ON AN OWNER UNDER THE ACT. (Section 1-119 of the Act)

## Section 300.330 (continued)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

~~Person in Need of Mental Treatment - any person who is mentally ill and who, because of his illness, is reasonably expected to inflict serious physical harm upon himself or another in the near future or is unable to provide for his basic physical needs so as to guard himself from serious harm.~~

PERSONAL CARE - ASSISTANCE WITH MEALS, DRESSING, MOVEMENT, BATHING, OR OTHER PERSONAL NEEDS, OR GENERAL SUPERVISION AND OVERSIGHT OF THE PHYSICAL AND MENTAL WELL-BEING OF AN INDIVIDUAL, EXCLUSIVE OF NURSING, WHO BECAUSE OF AGE, PHYSICAL OR MENTAL DISABILITY, EMOTIONAL OR BEHAVIOR DISORDER, OR MENTAL RETARDATION IS INCAPABLE OF MAINTAINING A PRIVATE, INDEPENDENT RESIDENCE, OR WHO IS INCAPABLE OF MANAGING HIS PERSON WHETHER OR NOT A GUARDIAN HAS BEEN APPOINTED. (Section 1-120 of the Act)

Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 (Ill. Rev. Stat. 1983 ~~1983~~, ch. 111, par. 4002 ~~4121~~ et seq.).

Physical Therapy Assistant - a person who has graduated from a two ~~(2)~~ year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered with the Department of Professional Regulation ~~Registration and Education~~ as a physical therapist under the Illinois Physical Therapy ~~License~~ Act (Ill. Rev. Stat. 1983 ~~1983~~, ch. 111 par. 4201 ~~4251~~ et seq.).

Physician - any person licensed by the State of Illinois to practice medicine in all its branches as provided in the ~~Medical Practice Act of 1987~~ (Ill. Rev. Stat. 1983 ~~1983~~, ch. 111, par. 4401 ~~4400-1~~ et seq.).

Probationary License - an initial license issued for a period of ~~one hundred twenty (120)~~ days during which time the Department will determine the qualifications of the applicant.

Program Coordinator - a qualified person directly responsible for the overall program, operation and management of a Community Living Facility.



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.330 (continued)

Program Unit - a resident care unit in Specialized Living Facilities equivalent to a nursing unit in Skilled Nursing Facilities as defined in this Part.

Psychiatrist - a physician who has had at least three (3) years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed by the Illinois Department of Professional Regulation Registration and Education to practice clinical psychology under the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1987, ch. 111, par. 5351 et seq.).

Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications is:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation or a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

an educator with a degree in education from an accredited program and with specialized training or one (1) year of experience in working with the mentally retarded.

a physical or occupational therapist who has specialized training or one (1) year of experience in treating the mentally retarded.

a physician licensed by the State of Illinois to practice medicine or osteopathy and with specialized training or one (1) year of experience in treating the mentally retarded.

a psychologist with at least a Master's Degree from an accredited program and with specialized training or one (1) year of experience in treating the mentally retarded.

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.330 (continued)

a registered nurse with a valid current Illinois registration to practice as a registered professional nurse who has specialized training or one (1) year of experience in treating the mentally retarded.

a speech pathologist or audiologist who has specialized training or one (1) year of experience in treating the mentally retarded.

a registered social worker with a Bachelor's Degree in social work from an accredited program, or a Bachelor's Degree in a field other than social work and at least three (3) years social work experience under the supervision of a qualified social worker, and with specialized training or with one (1) year of experience in working with the mentally retarded.

a therapeutic recreation specialist who is a graduate of an accredited program and eligible for Certification by the National Council for Therapeutic Recreation Certification, and who has specialized training or one (1) year experience working with the mentally retarded.

a rehabilitation counselor who is certified by the Commission on Rehabilitation Counselor Certification and who has specialized training or one (1) year of experience in treating the mentally retarded.

Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified, etc., by the State of Illinois, if required.

REASONABLE VISITING HOURS - ANY TIME BETWEEN THE HOURS OF 10 A.M. AND 8 P.M. DAILY. (Section 1-121 of the Act)

Registered Nurse - a person with a valid Illinois license registration from the Illinois Department of Professional Regulation to practice as a registered professional nurse under the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 3501 et seq.).

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.330 (continued)

association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two ~~(2)~~ or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

RESIDENT - PERSON RESIDING IN AND RECEIVING PERSONAL CARE FROM A FACILITY. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

RESIDENT'S REPRESENTATIVE - A PERSON OTHER THAN THE OWNER, OR AN AGENT OR EMPLOYEE OF A FACILITY NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR WHOM NO GUARDIAN HAS BEEN APPOINTED. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Restraint of a Resident - the application of a device to limit movements.

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Safety Device - any equipment or protective device used on a bed, chair, or resident which prevents him from falling or otherwise injuring himself. Examples are: bedside rails, geriatric ~~and/or~~ or adaptive chairs, a wide band ~~(minimum width six (6) inches)~~, vest or sheet applied to prevent falling out of a bed or chair, and hand socks applied to prevent injuring one's self.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.330 (continued)

Satisfactory - same as adequate.

Seclusion - the retention of a resident in a room which the resident ~~he~~ cannot open.

Self Preservation - the ability to follow directions ~~and/or~~ or recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

SHELTERED CARE - MAINTENANCE AND PERSONAL CARE. (Section 1-124 of the Act)

Social Worker, Qualified - a person who:

is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 6351 et seq., as amended by Public Act 85-1131, effective July 21, 1988) ~~by the State of Illinois (registered or certified by the Illinois Department of Registration and Education); and~~

is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are approved for Bachelor's Degree programs and others for Master's Degree programs); and

has one ~~(1)~~ year of social work experience in a health care setting.

~~Specialized Living Facility - a facility which provide behaviorally-oriented, psychosocial training to persons who have demonstrated an inability to adjust to settings with open, unmonitored community access. These services strive to effect an improved physical and mental condition, growth in social adaptation and integration, and an increased ability to cope with the problems of daily living. Individual capacity for self care and personal responsibility will be maximally encouraged and independence in room care, food preparation and laundry will be fostered.~~

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.



## NOTICE OF ADOPTED AMENDMENTS

4761  
89

## NOTICE OF ADOPTED AMENDMENTS

4762  
89

## Section 300.330 (continued)

STOCKHOLDER OF A CORPORATION - ANY PERSON WHO, DIRECTLY OR INDIRECTLY, BENEFICIALLY OWNS, HOLDS OR HAS THE POWER TO VOTE, AT LEAST ~~5%~~ FIVE PERCENT OF ANY CLASS OF SECURITIES ISSUED BY THE CORPORATION. (Section 1-125 of the Act)

Story - when used in this Part ~~these regulations~~ means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

STUDENT INTERN - MEANS ANY PERSON WHOSE TOTAL TERM OF EMPLOYMENT IN ANY FACILITY DURING ANY 12-MONTH PERIOD IS EQUAL TO OR LESS THAN 90 CONTINUOUS DAYS, AND WHOSE TERM OF EMPLOYMENT IS EITHER:

AN ACADEMIC CREDIT REQUIREMENT IN A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, OR

IMMEDIATELY SUCCEEDS A FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, PROVIDED THAT SUCH PERSON IS REGISTERED FOR ANOTHER FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION WHICH QUARTER, SEMESTER OR TRIMESTER WILL COMMENCE IMMEDIATELY FOLLOWING THE TERM OF EMPLOYMENT. (Section 1-125.1 of the Act)

Substantial - meeting requirements except for variance from the strict and literal performance which result in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 300.280(q)(8), 300.280(k)(2) and 300.280(k)(4).

Substantial failure - the failure to meet requirements other than a variance from the strict and literal performance which result in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 300.180(b)(1) and 300.260(f).

Sufficient - Same as adequate.

Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in regulations, the supervisor must be on the

## Section 300.330 (continued)

premises if the person does not meet assistant level (two ~~(2)~~ year training program) qualifications specified in these definitions.

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

TITLE XVIII - TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREFTER AMENDED. (Section 1-126 of the Act)

TITLE XIX - TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREFTER AMENDED. (Section 1-127 of the Act)

TRANSFER - A CHANGE IN STATUS OF A RESIDENT'S LIVING ARRANGEMENTS FROM ONE FACILITY TO ANOTHER FACILITY. (Section 1-128 of the Act)

TYPE A VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY PRESENTING A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS MENTAL OR PHYSICAL HARM TO A RESIDENT WILL RESULT THEREFROM. (Section 1-129 of the Act)

TYPE B VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY DIRECTLY THREATENING TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT. (Section 1-130 of the Act)

~~Type C Violation - a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility which indirectly threatens the health, safety or welfare of a resident.~~

Unit - an entire physically identifiable residence area in Community Living Facilities consisting of not less than five ~~(5)~~ nor more than ~~twenty (20)~~ beds, and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective regulations governing the approved levels of service.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.330 (continued)

Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

~~Utensil Sanitizer - an apparatus for sanitizing unwrapped bulky-type utensils by using boiling water and steam heat not under pressure.~~

Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.340 Incorporated and Referenced Materials

a) The following regulations, standards, and statutes are incorporated or referenced in this Part:

1) Private and professional association standards:

- A) American Dietetic Association, Minimum Academic Requirements for American Dietetic Association Membership (1980), which may be obtained from the American Dietetic Association, 430 North Michigan Avenue, Chicago, Illinois 60611.
- B) American National Standards Institute, Standard A17.1-84: Safety Code for Elevators and Escalators (1985), which may be obtained from the American Society of Mechanical Engineers, United Engineering Center, 325 East 47th Street, New York, New York 10017.
- C) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Handbook of Fundamentals (1977), which may be obtained from the National Association of American Society of Heating, Refrigerating, and Air Conditioning, United Engineering Center, 345 East 47th Street, New York, New York 10017.

D) The following standards of the American Society for Testing and Materials (ASTM):

- 1) Standard No. E-84-1977A: Method of Test for Surface Burning Characteristics of Building Materials.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.340(a)(1)(D) (continued)

ii) Standard No. E90-1975: Recommended Practice for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions.

E) International Conference of Building Officials, Uniform Building Code (1976 and 1982).

F) National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Appendix B (1981) and the following additional standards, which may be obtained from National Fire Protection Association, Battery Park, Quincy, Massachusetts 02269:

i) No. 10 (1978): Standards for Portable Extinguishers

ii) No. 13 (1980): Standards for the Installation of Sprinkler Systems

iii) No. 56F (1977): Standards for Non-Flammable Medical Gas Systems

iv) No. 70 (1981): National Electric Code

v) No. 90A (1978): Installation of Air Conditioning and Ventilating Systems

vi) No. 96 (1980): Standard for the Installation of Equipment for the Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment

vii) No. 220 (1979): Standards Types of Building Construction

viii) No. 253 (1978): Flooring Radiant Heat Energy Test

ix) No. 255 (1972): Test of Surface Burning Characteristics of Building Materials

G) Compressed Gas Association, Pamphlet P-2.1: Standard for Medical-Surgical Vacuum Systems in Hospitals (1976).

H) Underwriters' Laboratory, Inc., Fire Resistance Index, Building Material Directory, and Standard No. 181 (1974): Factory Made Air Duct Materials and Air Duct Connectors.



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.340(a)(1) (continued)

- I) American Medical Record Association, Requirements for Medical Record Practitioners (1985), which may be obtained from the American Medical Record Association, John Hancock Center, Suite 1850, 875 North Michigan, Chicago, Illinois 60611.
  - J) Commission on Rehabilitation Counselor Certification, Requirements for Rehabilitation Counselor Certification (1986), which may be obtained from the Commission on Rehabilitation Counselor Certification, 1156 Shore Drive, Room 350, Arlington Heights, Illinois 60004.
  - K) National Council for Therapeutic Recreation Certification, Requirements for Therapeutic Recreation Certification (1985), which may be obtained from the National Council for Therapeutic Recreation Certification, P.O. Box 16126, Alexandria, Virginia 22302.
- 2) Federal statutes and regulations:
- A) Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.)
  - B) Social Security Act (42 U.S.C. 301 et seq.)
  - C) U.S. Public Health Service, Guidelines for the Prevention and Control of Nosocomial Infections, which includes the following guidelines and may be obtained from the Center for Infectious Diseases, Centers for Disease Control, U.S. Public Health Service, Department of Health and Human Services, Atlanta, Georgia 30333.
  - i) Guideline for Prevention of Catheter-Associated Urinary Tract Infections (October 1981).
  - ii) Guideline for Handwashing and Hospital Environmental Control (1985).
  - iii) Guideline for Prevention of Intravascular Infections (October 1981).
  - iv) Guideline for Prevention of Surgical Wound Infections (March 1982; Revised 1985).
  - v) Guideline for Prevention of Nosocomial Pneumonia (July 1982).

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.340(a)(2)(C) (continued)

- vi) Guideline for Isolation Precautions in Hospitals (July 1983).
  - vii) Guideline for Infection Control in Hospital Personnel (July 1983).
- ~~C) U.S. Public Health Service, Food Service Sanitation Manual (1985).~~
  - ~~D) U.S. Public Health Service, Isolation Techniques for Use in Hospitals (1985).~~
- 3) State of Illinois Statutes:
- A) Illinois Alcoholism and Other Drug Dependency Treatment Licensing Act (Ill. Rev. Stat. 1987-1985, ch. 111 1/2, par. 6351-1-2301 et seq.)
  - B) Boiler and Pressure Vessel Safety Act (Ill. Rev. Stat. 1987-1985, ch. 111 1/2, par. 3201 et seq.)
  - C) Child Care Act of 1969 (Ill. Rev. Stat. 1987-1985, ch. 23, par. 2211 et seq.)
  - D) ~~AN ACT to create the Court of Claims Act, to prescribe its powers and duties, and to repeal an Act herein named (Ill. Rev. Stat. 1987-1985, ch. 37, par. 439.1 et seq.)~~
  - E) The Illinois Dental Practice Act (Ill. Rev. Stat. 1987-1985, ch. 111, par. 2301 et seq.)
  - F) The Election Code (Ill. Rev. Stat. 1987-1985, ch. 46, par. 1-1 et seq.)
  - G) Freedom of Information Act (Ill. Rev. Stat. 1987-1985, ch. 116, par. 201 et seq.)
  - H) General Not For Profit Corporation Act of 1986 (Ill. Rev. Stat. 1987-1985, ch. 32, par. 101.01-1603 et seq.)
  - I) Hospital Licensing Act (Ill. Rev. Stat. 1987-1985, ch. 111 1/2, par. 142 et seq.)
  - J) Illinois Controlled Substances Act (Ill. Rev. Stat. 1987-1985, ch. 56 1/2, par. 1100 et seq.)



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.340(a)(3) (continued)

- K) Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1987-1985, ch. 111 1/2, par. 1151 et seq.)
- L) Article I, Division 3, Illinois Municipal Code (Ill. Rev. Stat. 1987-1985, Article I, Division 3, ch. 24, par. 1-3-1 et seq. ~~through 1-3-6~~)
- M) The Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1987-1985, ch. 111, par. 3501-3401 et seq.)
- N) Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1987-1985, ch. 111, par. 3701 et seq.)
- O) Illinois Physical Therapy Act ~~of 1985~~ (Ill. Rev. Stat. 1987-1985, ch. 111, par. 4251 et seq.)
- P) Life Care Facilities Act (Ill. Rev. Stat. 1987-1985, ch. 111 1/2, par. 4160-1 et seq.)
- Q) Local Governmental and Governmental Employees Tort Immunity Act (Ill. Rev. Stat. 1987-1985, ch. 85, par. 1-101 et seq.)
- R) Medical Practice Act of 1987 (Ill. Rev. Stat. 1987-1985, ch. 111, par. 4400-1-4401 et seq.)
- S) Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1987-1985, ch. 91 1/2, par. 1-100 et seq.)
- T) Nursing Home Administrators Licensing and Disciplinary Act (Ill. Rev. Stat. 1987-1985, ch. 111, par. 3651-3601 et seq.)
- U) Nursing Home Care ~~Reform~~ Act ~~of 1979~~ (Ill. Rev. Stat. 1987-1985, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 85-968, effective December 9, 1987; Public Act 85-1183, effective August 13, 1988; and Public Act 85-1378, effective September 1, 1988)
- V) Pharmacy Practice Act of 1987 (Ill. Rev. Stat. 1987-1985, ch. 111, par. 4121-4001 et seq.)
- W) Private Sewage Disposal Licensing Act (Ill. Rev. Stat. 1987-1985, ch. 111 1/2, par. 116.301 et seq.)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.340(a)(3) (continued)

- X) Probate Act of 1975 (Ill. Rev. Stat. 1987-1985, ch. 110 1/2, par. 1-1 et seq.)
- Y) The Illinois Public Aid Code (Ill. Rev. Stat. 1987-1985, ch. 23, par. 1-1 et seq.)
- Z) Safety Glazing Materials Act (Ill. Rev. Stat. 1987-1985, ch. 111 1/2, par. 3101 et seq.)
- 4) State of Illinois rules:
- A) Office of the State Fire Marshal, Fire Prevention and Safety (41 Ill. Adm. Code 100)
- B) Office of the State Fire Marshal, Boiler and Pressure Vessel Safety ~~Rules and Regulations~~ (41 Ill. Adm. Code 120)
- C) Capital Development Board, Illinois Accessibility Code ~~Standards Illustrated~~ (71 Ill. Adm. Code 400)
- ~~D) Department of Public Health, Alcoholism and Intoxication Treatment Programs (77 Ill. Adm. Code 200)~~
- ~~D) E)~~ Department of Public Health, Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
- E) Department of Public Health, Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693)
- F) Department of Public Health, Food Service Sanitation (77 Ill. Adm. Code 750)
- G) Department of Public Health, Illinois Plumbing Code (77 Ill. Adm. Code 890)
- H) Department of Public Health, Private Sewage Disposal Code (77 Ill. Adm. Code 905)
- I) Department of Public Health, Drinking Water Systems (77 Ill. Adm. Code 900)
- J) Department of Public Health, Illinois Water Well Construction Code (77 Ill. Adm. Code 920)



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.340(a)(4) (continued)

- K) Department of Public Health, Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)
- ~~L) Department of Public Aid, Access to Cost Reports (89 Ill. Adm. Code 140.544)~~
- ~~L) Department of Professional Regulation - Registration and Education, Controlled Substances Act (77 Ill. Adm. Code 3100.1450)~~
- ~~M) Department of Alcoholism and Substance Abuse, Alcoholism and Substance Abuse Treatment, Intervention and Research Programs (77 Ill. Adm. Code 2058)~~
- ~~N) Department of Public Aid, Access to Cost Reports (89 Ill. Adm. Code 140.544)~~
- ~~O) Department of Transportation, Regulation of Construction within Flood Plains (92 Ill. Adm. Code 706)~~
- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.
- c) All citations to federal regulations in this Part concern the specified regulation in the 1986 Code of Federal Regulations, unless another date is specified.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## SUBPART B: ADMINISTRATION

## Section 300.510 Administrator

- a) There shall be an administrator licensed under the ~~"Illinois"~~ Nursing Home Administrators Licensing and Disciplinary Act ~~(Ill. Rev. Stat. 1987-1993, ch. 111, par. 3651-3661 et seq.)~~ full-time for each licensed facility. The licensee will report any change in administrator to the Department, within five ~~(5)~~ days.
- b) The administrator shall delegate in writing adequate authority to a person at least ~~eighteen (18)~~ years of age who is capable of

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.510(b) (continued)

- acting in an emergency during his or her absence. Such administrative assignment shall not interfere with resident care and supervision. The administrator or the person designated by ~~him/her~~ the administrator to be in charge of the facility in ~~his/her~~ the administrator's absence, shall be deemed by the Department to be the agent of the license for the purpose of Section 3-212 of the ~~Nursing Home Care Reform Act of 1979~~, which requires Department staff to provide the licensee with a copy of their report before leaving the facility. (B, ~~C~~)
- c) The administrator shall arrange for facility supervisory personnel to annually attend appropriate educational programs on supervision, nutrition, and other pertinent subjects. ~~(C)~~
- d) The administrator shall appoint in writing a member of the facility staff to coordinate the establishment of, and render assistance to, the residents' advisory council. ~~(C)~~
- e) The licensee and the administrator shall be familiar with this Part. They shall be responsible for seeing that the applicable regulations are met in the facility and that employees are familiar with those regulations according to the level of their responsibilities. (A, B, ~~C~~)
- f) If the facility has an assistant administrator, the Department shall be informed of the name and dates of employment and termination of this person. This will provide documentation of service to qualify for a license under the ~~"Illinois"~~ Nursing Home Administrators Licensing and Disciplinary Act ~~(Ill. Rev. Stat. 1983-1987, ch. 111, par. 3651-3661 et seq.)~~. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## SUBPART C: POLICIES

## Section 300.610 Resident Care Policies

- a) The facility shall have written policies and procedures, governing all services provided by the facility which shall be formulated by a Resident Care Policy Committee consisting of at least the administrator, the advisory physician or the medical advisory committee and representatives of nursing and other services in the facility. These policies shall be in compliance with the Act and all rules promulgated thereunder. These written policies shall be



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.610(a) (continued)

followed in operating the facility and shall be reviewed at least annually by this committee, as evidenced by written, signed and dated minutes of such a meeting. (B, ~~C~~)

- b) All the information contained in the policies shall be available to the public, staff, residents and for review by Department personnel. ~~(C)~~
- c) These written policies shall include, at a minimum the following provisions: ~~(C)~~
  - 1) Admission, transfer, and discharge of residents including categories of residents accepted and not accepted, residents that will be transferred or discharged, transfers within the facility from one room to another, and other types of transfers. ~~, etc. (C)~~
  - 2) Resident care services including physician services, emergency services, personal care and nursing services, restorative services, activity services, pharmaceutical services, dietary services, social services, clinical records, dental services, and diagnostic service (including laboratory and x-ray). (B, ~~C~~)

~~3) There shall be a policy prohibiting post-mortems in the facility. (C)~~

- ~~4)~~ 3) There shall also be a policy prohibiting blood transfusions, unless the facility is hospital connected and appropriate services are available in case of an adverse reaction to the transfusions. (B, ~~C~~)

d) The facility shall have a written agreement with one or more hospitals which indicates the hospital or hospitals will provide the following services. This requirement shall be waived when the facility can document to the satisfaction of the Department that by reason of remote location or refusal of local hospitals to enter an agreement, it is unable to effect such arrangements. ~~(C)~~

- 1) Emergency admissions. ~~(C)~~
- 2) Admission to a hospital of residents from the facility who are in need of hospital care. ~~(C)~~
- 3) Needed diagnostic services. ~~(C)~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.610(d) (continued)

- 4) Any other hospital based services needed by the resident. ~~(C)~~  
(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.620 Admission and Discharge Policies

- a) No resident determined by professional evaluation to be in need of services not readily available in a particular facility, or through arrangement with a qualified outside resource, shall be admitted to, or kept in that facility, provided that all involuntary discharges and transfers shall be in accordance with Sections 3-401 through 3-423 of the Act. The Department defines a "qualified outside source" as one recognized as meeting professional standards for services provided. (B, ~~C~~)
- b) Each facility shall have a policy concerning the admission of persons needing prenatal ~~and/or~~ or maternity care, and a policy concerning the keeping of such persons who become pregnant while they are residents of the facility. If these policies permit such persons to be admitted to, or kept in the facility, then the facility shall have a policy concerning the provision of adequate and appropriate prenatal and maternity care to such individuals from in-house ~~and/or~~ or outside resources. ~~(C)~~
- c) No resident shall be admitted to, or kept in, the facility:
  - 1) Who is mentally ill, in need of mental treatment, and at risk because, due to the mental illness, the person is reasonably expected to self-inflict serious physical harm or to inflict serious physical harm on another person in the near future as determined by professional evaluation. ~~requires mental treatment as defined in the "Mental Health and Developmental Disabilities Code," (Ill. Rev. Stat. 1979, ch. 91 1/2, par. 1-100 et seq.), provided that all involuntary discharges and transfers shall be in accordance with Sections 3-401 through 3-423 of the Act. (See definition of "person in need of Mental Treatment" in Section 300.330.) (B, ~~C~~)~~
  - 2) Who is destructive of property, himself, or others, provided that all involuntary discharges and transfers shall be in accordance with Sections 3-401 through 3-423 of the Act. ~~(B, ~~C~~)~~
  - 3) Who is developmentally disabled and who needs programming for such conditions, as described in the rules governing



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.620(c)(3) (continued)

intermediate care facilities for the developmentally disabled (77 Ill. Adm. Code 350) ~~ICF/DD Standards~~. Such person shall only be admitted to or kept in facilities licensed as intermediate care facilities for the developmentally disabled under 77 Ill. Adm. Code 350 ~~ICF/DD~~, or if under ~~eighteen~~ ~~(18)~~, in a long-term care facility for persons under ~~twenty-two~~ ~~(22)~~ years of age which is licensed under 77 Ill. Adm. Code 390. Persons from ~~eighteen~~ ~~(18)~~ to ~~twenty-one~~ ~~(21)~~ years of age in need of such care may be kept in either facility, provided that all involuntary discharges and transfers shall be in accordance with Sections 3-401 through 3-423 of the Act. (B-~~6~~)

- d) Persons under ~~eighteen~~ ~~(18)~~ years of age may not be cared for in a facility for adults without prior written approval from the Department. ~~(C)~~
- e) A facility shall not refuse to discharge or transfer a resident when requested to do so by the resident ~~himself~~ or, if incompetent, by the resident's guardian. ~~(C)~~
- f) If a resident insists on and is discharged against medical advice, the facts involved in the situation shall be fully documented in the resident's ~~his~~ clinical record. ~~(C)~~
- g) No resident shall be admitted with a communicable, contagious or infectious disease except as set forth in Section 300.1020 (a)-(d). (A, B, ~~C~~)
- h) A facility shall not admit more residents than the number authorized by the license issued to it. (B-~~6~~)

(Source: Amended at 13 Ill. Reg. ~~6684~~, effective March 24, 1989)

## Section 300.630 Contract Between Resident and Facility

## a) Contract Execution

- 1) BEFORE A PERSON IS ADMITTED TO A FACILITY, OR AT THE EXPIRATION OF THE PERIOD OF PREVIOUS CONTRACT, OR WHEN THE SOURCE OF PAYMENT FOR THE RESIDENT'S CARE CHANGES FROM PRIVATE TO PUBLIC FUNDS OR FROM PUBLIC TO PRIVATE FUNDS, A WRITTEN CONTRACT SHALL BE EXECUTED BETWEEN A LICENSEE AND THE FOLLOWING IN ORDER OF PRIORITY:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.630(a)(1) (continued)

- A) THE PERSON, OR IF THE PERSON IS A MINOR, HIS PARENT OR GUARDIAN; OR
  - B) THE PERSON'S GUARDIAN, IF ANY, OR AGENT, IF ANY, AS DEFINED IN SECTION 11a-23 OF THE ~~PROBATE~~ ACT OF 1975, AS NOW OR HEREFTER AMENDED; OR
  - C) A MEMBER OF THE PERSON'S IMMEDIATE FAMILY.
- 2) AN ADULT PERSON SHALL BE PRESUMED TO HAVE THE CAPACITY TO CONTRACT FOR ADMISSION TO A LONG-TERM CARE FACILITY UNLESS HE HAS BEEN ADJUDICATED A "DISABLED PERSON" WITHIN THE MEANING OF SECTION 11a-2 OF THE ~~PROBATE~~ ACT OF 1975, AS NOW OR HEREFTER AMENDED, OR UNLESS A PETITION FOR SUCH AN ADJUDICATION IS PENDING IN A CIRCUIT COURT OF ILLINOIS.
- 3) IF THERE IS NO GUARDIAN, AGENT OR MEMBER OF THE PERSON'S IMMEDIATE FAMILY AVAILABLE, ABLE OR WILLING TO EXECUTE THE CONTRACT REQUIRED BY SECTION 2-202 OF THE ACT AND A PHYSICIAN DETERMINES THAT A PERSON IS SO DISABLED AS TO BE UNABLE TO CONSENT TO PLACEMENT IN A FACILITY, OR IF A PERSON HAS ALREADY BEEN FOUND TO BE A "DISABLED PERSON", BUT NO ORDER HAS BEEN ENTERED ALLOWING RESIDENTIAL PLACEMENT OF THE PERSON, THAT PERSON MAY BE ADMITTED TO A FACILITY BEFORE THE EXECUTION OF A CONTRACT REQUIRED BY THAT SECTION; PROVIDED THAT A PETITION FOR GUARDIANSHIP OR FOR MODIFICATION OF GUARDIANSHIP IS FILED WITHIN 15 DAYS OF THE PERSON'S ADMISSION TO A FACILITY, AND PROVIDE FURTHER THAT SUCH A CONTRACT IS EXECUTED WITHIN ~~10~~ TEN DAYS OF THE DISPOSITION OF THE PETITION.

- 4) NO ADULT SHALL BE ADMITTED TO A FACILITY IF HE OBJECTS, ORALLY OR IN WRITING, TO SUCH ADMISSION, EXCEPT AS OTHERWISE PROVIDED IN CHAPTERS III AND IV OF THE ~~MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES CODE~~, AS AMENDED, OR SECTION 11a-14.1 OF THE ~~PROBATE~~ ACT OF 1975, AS AMENDED. (Section 2-202(a) of the Act)

- 5) If on the effective date of this Part, a person has not executed a contract as required by Section 2-202 of the Act, then such a contract shall be executed by, or on behalf of the person, within ten ~~(10)~~ days of the effective date of these rules, unless a petition has been filed for guardianship or modification of guardianship. If a petition for guardianship or modification of guardianship has been filed, and there is no guardian, agent or a member of the person's immediate family



## Section 300.630(a)(5) (continued)

available, able, or willing to execute the contract at that time, then a contract shall be executed within ten ~~(10)~~ days of the disposition of such petition.

- b) The contract shall be clearly and unambiguously entitled, "Contract Between Resident and (name of facility)." ~~(C)~~
- c) A RESIDENT SHALL NOT BE DISCHARGED OR TRANSFERRED AT THE EXPIRATION OF THE TERM OF A CONTRACT, EXCEPT AS PROVIDED IN SECTIONS 3-401 THROUGH 3-423 OF THE ACT. (Section 2-202(b) of the Act) ~~(C)~~
- d) AT THE TIME OF THE RESIDENT'S ADMISSION TO THE FACILITY, A COPY OF THE CONTRACT SHALL BE GIVEN TO THE RESIDENT, HIS GUARDIAN, IF ANY, AND ANY OTHER PERSON WHO EXECUTED THE CONTRACT. (Section 2-202(c) of the Act) ~~(C)~~
- e) The contract shall be signed by the licensee or his agent. The title of each person signing the contract for the facility shall be clearly indicated next to each such signature. The nursing home administrator may sign as the agent of the licensee. ~~(C)~~
- f) The contract shall be signed by, or for, the resident, as described in subsection (a) of this Section ~~above~~. If any person other than the principal signatory is to be held individually responsible for payments due under the contract that person shall also sign the contract on a separate signature line labelled "signature of responsible party" or "signature of guarantor." ~~(C)~~
- g) The contract shall include a definition of "responsible party" or "guarantor" which describes in full the liability incurred by any such person. ~~(C)~~
- h) A COPY OF THE CONTRACT FOR A RESIDENT WHO IS SUPPORTED BY NONPUBLIC FUNDS OTHER THAN THE RESIDENT'S OWN FUNDS SHALL BE MADE AVAILABLE TO THE PERSON PROVIDING THE FUNDS FOR THE RESIDENT'S SUPPORT. (Section 2-202(d) of the Act) ~~(C)~~
- i) THE ORIGINAL OR A COPY OF THE CONTRACT SHALL BE MAINTAINED IN THE FACILITY AND BE MADE AVAILABLE UPON REQUEST TO REPRESENTATIVES OF THE DEPARTMENT AND THE DEPARTMENT OF PUBLIC AID. (Section 2-202(e) of the Act) ~~(C)~~
- j) THE CONTRACT SHALL BE WRITTEN IN CLEAR AND UNAMBIGUOUS LANGUAGE AND SHALL BE PRINTED IN NOT LESS THAN 12 POINT TYPE. (Section 2-202(f) of the Act) ~~(C)~~

## Section 300.630 (continued)

- k) THE CONTRACT SHALL SPECIFY THE TERM OF THE CONTRACT. (Section 2-202(g)(1) of the Act) ~~(C)~~
- l) THE CONTRACT SHALL SPECIFY THE SERVICES TO BE PROVIDED UNDER THE CONTRACT AND THE CHARGES FOR THE SERVICES. A paragraph shall itemize the services and products to be provided by the facility and express the cost of the itemized services and products to be provided either in terms of a daily, weekly, monthly or yearly rate, or in terms of a single fee. (Section 2-202(g)(2) of the Act) ~~(C)~~
- m) THE CONTRACT SHALL SPECIFY THE SERVICES THAT MAY BE PROVIDED TO SUPPLEMENT THE CONTRACT AND THE CHARGES FOR THE SERVICES. (Section 2-202(g)(3) of the Act)
- 1) A paragraph shall itemize all services and products offered by the facility or related institutions which are not covered by the rate or fee established ~~above~~ in subsection (1) of this Section. If a separate rate or fee for any such supplemental service or product can be calculated with definiteness at the time the contract is executed then such additional cost shall be specified in the contract. ~~(C)~~
- 2) If the cost of any itemized service or product to be provided by the facility or related institutions to the resident cannot be established or predicted with definiteness at the time of the resident's admission to the facility or at the time of the execution of the contract, then no cost for that service or product need be stated in the contract. But the contract shall include a statement explaining the resident's liability for such itemized service or product and explaining that the resident will be receiving a bill for such itemized service or product beyond and in addition to any rate or fee set forth in the contract. ~~(C)~~
- n) THE CONTRACT SHALL SPECIFY THE SOURCES LIABLE FOR PAYMENT DUE UNDER THE CONTRACT. (Section 2-202(g)(4) of the Act) ~~(C)~~
- o) THE CONTRACT SHALL SPECIFY THE AMOUNT OF DEPOSIT PAID. Such amount shall be expressed in terms of a precise number of dollars and be clearly designated as a deposit. The contract shall specify when such deposit shall be paid by the resident and the contract shall specify when such deposit shall be returned by the facility. The contract shall specify the conditions (if any) which must be satisfied by the resident before the facility shall return the deposit. Upon the satisfaction of all such conditions the deposit



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

Section 300.630(o) (continued)

shall be returned to the resident. If the deposit is nonrefundable the contract shall provide express notice of such nonrefundability. (Section 2-202(g)(5) of the Act) ~~(G)~~

p) THE CONTRACT SHALL SPECIFY THE RIGHTS, DUTIES AND OBLIGATIONS OF THE RESIDENT, EXCEPT THAT THE SPECIFICATION OF A RESIDENT'S RIGHTS MAY BE FURNISHED ON A SEPARATE DOCUMENT WHICH COMPLIES WITH THE REQUIREMENTS OF SECTION 2-211 OF THE ACT. (Section 2-202(g)(6) of the Act) ~~(G)~~

q) THE CONTRACT SHALL DESIGNATE THE NAME OF THE RESIDENT'S REPRESENTATIVE, IF ANY. THE RESIDENT SHALL PROVIDE THE FACILITY WITH A COPY OF THE WRITTEN AGREEMENT BETWEEN THE RESIDENT AND THE RESIDENT'S REPRESENTATIVE WHICH AUTHORIZES THE RESIDENT'S REPRESENTATIVE TO INSPECT AND COPY THE RESIDENT'S RECORDS AND AUTHORIZES THE RESIDENT'S REPRESENTATIVE TO EXECUTE THE CONTRACT ON BEHALF OF THE RESIDENT REQUIRED BY SECTION 2-202 OF THE ACT. (Section 2-202(h) of the Act) ~~(G)~~

r) THE CONTRACT SHALL PROVIDE THAT IF THE RESIDENT IS COMPELLED BY A CHANGE IN PHYSICAL OR MENTAL HEALTH TO LEAVE THE FACILITY, THE CONTRACT AND ALL OBLIGATIONS UNDER IT SHALL TERMINATE ON SEVEN ~~(7)~~ DAYS NOTICE. IT SHALL ALSO PROVIDE THAT IN ALL OTHER SITUATIONS, A RESIDENT MAY TERMINATE THE CONTRACT AND ALL OBLIGATIONS UNDER IT WITH ~~THIRTY (30)~~ DAYS NOTICE. ALL CHARGES SHALL BE PRORATED AS OF THE DATE ON WHICH THE CONTRACT TERMINATES, AND, IF ANY PAYMENTS HAVE BEEN MADE IN ADVANCE, THE EXCESS SHALL BE REFUNDED TO THE RESIDENT. THIS PROVISION SHALL NOT APPLY TO LIFE CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO PROVIDE MAINTENANCE AND CARE FOR A RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S ~~415~~ LIFE NOR TO CONTINUING-CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO SUPPLEMENT ALL AVAILABLE FORMS OF FINANCIAL SUPPORT IN PROVIDING MAINTENANCE AND CARE FOR A RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S ~~415~~ LIFE. (Section 2-202(i) of the Act) ~~(G)~~

s) After July 1, 1982, all facilities which offer to provide a resident with nursing services, medical services or personal care services, in addition to maintenance services, for a term in excess of one year or for life pursuant to a life care contract, shall meet all of the provisions of the ~~"Life Care Facilities Act"~~ (Ill. Rev. Stat. 1987 ~~1983~~, ch. 111 1/2, par. 4160-1 et seq.) as now or hereafter amended, including the obtaining of a permit from the Department, before they may enter into such contracts. ~~(G)~~

t) IN ADDITION TO ALL OTHER CONTRACT SPECIFICATIONS CONTAINED IN THIS SECTION, ADMISSION CONTRACTS SIGNED OR RENEWED AFTER JULY 1, 1985,

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

Section 300.630(t) (continued)

SHALL ALSO SPECIFY: ~~(G)~~

1) WHETHER THE FACILITY ACCEPTS MEDICAID CLIENTS;

2) WHETHER THE FACILITY REQUIRES A DEPOSIT OF THE RESIDENT OR HIS FAMILY PRIOR TO THE ESTABLISHMENT OF MEDICAID ELIGIBILITY;

3) IN THE EVENT THAT A DEPOSIT IS REQUIRED, A CLEAR AND CONCISE STATEMENT OF THE PROCEDURE TO BE FOLLOWED FOR THE RETURN OF SUCH DEPOSIT TO THE RESIDENT OR THE APPROPRIATE FAMILY MEMBER OR GUARDIAN OF THE PERSON;

4) THAT ALL DEPOSITS MADE TO A FACILITY BY A RESIDENT, OR ON BEHALF OF A RESIDENT, SHALL BE RETURNED BY THE FACILITY WITHIN 30 DAYS OF THE ESTABLISHMENT OF MEDICAID ELIGIBILITY, UNLESS SUCH DEPOSITS MUST BE DRAWN UPON OR ENCUMBERED IN ACCORDANCE WITH MEDICAID ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE ILLINOIS DEPARTMENT OF PUBLIC AID. (Section 2-202(j) of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4152-202(j))~~

u) IT SHALL BE A BUSINESS OFFENSE FOR A FACILITY TO KNOWINGLY AND INTENTIONALLY BOTH RETAIN A RESIDENT'S DEPOSIT AND ACCEPT MEDICAID PAYMENTS ON BEHALF OF THE RESIDENT. (Section 2-202(k) of the Act) ~~(Ill. Rev. Stat. 1985 Supp., ch. 111 1/2, par. 4152-202(k))~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

Section 300.640 Residents' Advisory Council

a) EACH FACILITY SHALL ESTABLISH A RESIDENT'S ADVISORY COUNCIL consisting of at least five ~~(5)~~ resident members. If there are not five residents capable of functioning on the residents' advisory council, as determined by the Interdisciplinary Team, residents' representatives shall take the place of the required number of residents. THE ADMINISTRATOR SHALL DESIGNATE ANOTHER ~~A~~ MEMBER OF THE FACILITY STAFF (other than ~~himself/herself~~ the administrator) TO COORDINATE THE ESTABLISHMENT OF, AND RENDER ASSISTANCE TO, THE COUNCIL. (Section 2-203 of the Act) ~~(G)~~

b) Each facility shall develop and implement a plan for assuring a liaison with concerned individuals and groups in the local community. Ways in which this requirement can be met include, but are not limited to, the following: ~~(G)~~



## Section 300.640(b) (continued)

- 1) the inclusion of community members such as volunteers, family members, residents' friends, residents' advocates, or community representatives, etc. on the resident advisory council;
- 2) the establishment of a separate community advisory group with persons of the residents' choosing;
- 3) finding a church or civic group to "adopt" the facility; or,
- 4) the establishment of a family council made up of families and friends of residents who live in the community.
- c) The resident members shall be elected to the council by vote of their fellow residents and the nonresident members shall be elected to the council by vote of the resident members of the council. ~~(C)~~
- d) In facilities of ~~fifty~~ 50 beds or less, the resident advisory council may consist of all of the residents of the facility, if the residents choose to operate this way. ~~(C)~~
- e) All resident advisory councils shall elect at least a Chairperson ~~or~~ President and a Vice Chairperson ~~or~~ Vice President from among the members of the council. These persons shall preside at the meetings of the council, assisted by the facility staff person designated by the administrator to provide such assistance. ~~(C)~~
- f) Some facilities may wish to establish mini-resident advisory councils for various smaller units within the facility. If this is done, each such unit shall be represented on an overall facility residents' advisory council with the composition described in subsection (a) of this Section ~~above~~. ~~(C)~~
- g) All residents' advisory council meetings shall be open to participation by all residents ~~and/or~~ and by their representatives. ~~(C)~~

- h) NO EMPLOYEE OR AFFILIATE OF ANY FACILITY SHALL BE A MEMBER OF ANY COUNCIL. Such persons may attend to discuss interests or functions of the non-members when invited by a majority of the officers of the residents' advisory council. (Section 2-203(a) of the Act) ~~(C)~~

- i) THE COUNCIL SHALL MEET AT LEAST ONCE EACH MONTH WITH THE STAFF COORDINATOR WHO SHALL PROVIDE ASSISTANCE TO THE COUNCIL IN PREPARING AND DISSEMINATING A REPORT OF EACH MEETING TO ALL RESIDENTS, THE ADMINISTRATOR, AND THE STAFF. (Section 2-203(b) of the Act)

## Section 300.640 (continued)

- ~~j) These meetings shall be open to all residents of the facility. (C)~~
- ~~i) ~~Records of the Council meetings shall be maintained in the office of the administrator. (Section 2-203(c) of the Act) (C)~~~~
- ~~k) ~~The residents' advisory council may communicate to the administrator the opinions and concerns of the residents. The council shall review procedures for implementing resident rights and facility responsibilities and make recommendations for changes or additions which will strengthen the facility's policies and procedures as they effect residents' rights and facility responsibilities. (Section 2-203(d) of the Act)~~~~
- ~~l) ~~The council shall be a forum for:~~~~
  - ~~1) obtaining and disseminating information;~~
  - ~~2) soliciting and adopting recommendations for facility programming and improvements;~~
  - ~~3) early identification of problems;~~
  - ~~4) recommending orderly resolution of problems. (Section 2-203(e) of the Act)~~
- ~~m) ~~The council may present complaints on behalf of a resident to the department, or to any other person it considers appropriate. (Section 2-203(f) of the Act)~~~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.650 Personnel Policies

- a) Each facility shall develop and maintain ~~these shall be~~ written personnel policies which are followed in the operation of the facility. ~~that shall include, at a minimum the following: These policies shall include at a minimum each of the requirements of this Section. (C)~~
- b) Employee Records
  - 1) Employment application forms shall be completed on each employee and kept on file in the facility. They shall be available to Department personnel for review.



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

Section 300.650(b) (continued)

2) Individual personnel files for each employee ~~These forms~~ shall contain date of employment, date of birth ~~or date of birth~~, home address, educational background, past experience including types of employment, where previously employed, type of position employed to fill in this facility, last day employed (if no longer in present facility) and reasons for leaving. ~~(C)~~

~~2)~~ 3) Individual - In addition to the application form, the ~~individual~~ personnel files for each employee shall also contain ~~other pertinent personnel data such as~~ health records, including the initial health evaluation required under Section 300.655(a), the results of the tuberculin skin test required under Section 300.655(b), and any other pertinent health records.

4) Individual personnel records for each employee shall also contain records of evaluation of performance. ~~(C)~~

~~3)~~

A) ~~Each employee shall have a physical examination which has been conducted within a period of ten (10) days before or after employment and annually thereafter. This shall include findings that permit certification that the employee is free of communicable, contagious or infectious diseases. Additional physical examinations may be requested at the discretion of the Department according to the rules for "The Control of Communicable Diseases" (77 Ill. Adm. Code 690), Illinois Department of Public Health. This initial physical exam shall include documentation regarding past or present tuberculosis infection determined by either a tubercutis skin test or chest x-ray taken within one (1) year prior to or ten (10) days after initial employment.~~

B) ~~Repeat skin tests and/or chest x-rays are not required unless the employee is exposed to a person with tuberculosis in its contagious stage or has signs and symptoms of disease. However, they are highly recommended, especially for persons residing or working in high risk areas of the State.~~

C) ~~It is also recommended that employees who have been infected with tuberculosis (positive skin reaction) and have not had a full course of chemoprophylaxis or~~

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

Section 300.650(b) (continued)

~~chemotherapy should complete one (1) year of daily isoniazid (INH) unless contraindicated because of age or physical condition. Depending on their risk of developing disease, as determined by their physician, employees who have been infected and have not been able to complete a full course of preventive treatment should have a chest x-ray annually. (B, C)~~

~~4) An employee diagnosed or suspected of having a contagious or infectious disease shall not be on duty until such time as a written statement is obtained from a physician that the disease is no longer contagious or is found to be noninfectious. (B, C)~~

~~b) General~~

~~1)~~

c) All personnel shall have either training or experience, or both, in the job assigned to them. ~~(B, C)~~

d) Orientation and In-Service Training

~~2)~~ 1) All new employees, including student interns, shall complete an orientation program covering, at a minimum, the following: general facility and resident orientation; job orientation, emphasizing allowable duties of the new employee; resident safety, including fire and disaster, emergency care and basic resident safety; and, understanding and communicating with the type of residents being cared for in the facility, such as geriatric, pediatric, or developmentally disabled, etc. In addition, all new direct care staff, including student interns, shall complete an orientation program covering the facility's policies and procedures for resident care services ~~contained in Section 300.610(c)(2)~~ before being assigned to provide direct care to residents. This orientation program shall include material regarding the prevention and treatment of decubitus ulcers and the importance of nutrition in general health care.

~~3)~~ 2) All employees, ~~Each employee~~ except student interns, shall attend in-service training programs ~~covering each of the subjects listed in Section 300.610(c)(2)~~ pertaining to ~~his or her~~ their assigned duties at least annually. These in-service training programs shall include material regarding



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.650(d)(2) (continued)

the facility's policies, skill training, and ongoing education carried out to enable all personnel to perform their duties effectively. The in-service training sessions regarding personal care, nursing and restorative services shall include material concerning prevention and treatment of decubitus ulcers (commonly known as bedsores). In-service training concerning dietary services shall include material concerning effects of diet in treatment of various diseases or medical conditions and the importance of laboratory test results in determining therapeutic diets. Written records of program content for each session and of personnel attending each session shall be kept. (B, C)

e) ~~4)~~ Employees shall only be assigned duties which are directly related to their job functions, as identified in their job descriptions. Exceptions may be made in emergencies. ~~No employee shall be assigned duties other than those directly related to his job functions, as identified in his job description, except in emergencies. (C)~~

f) ~~5)~~ Personnel policies shall include ~~there shall be~~ a plan to provide ~~a program of~~ personnel coverage for regular staff when they are absent. (A, B)

g) ~~6)~~ Every facility shall have a current dated weekly employee time schedule posted in a convenient place where employees may refer to it. This schedule shall contain the employee's name, job title, shift assignment, hours of work, and days off. The schedule ~~these~~ shall be kept on file in the facility for one ~~(1)~~ year after the week for which the schedule was used. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.655 Initial Health Evaluation for Employees

a) Each employee shall have an initial health evaluation which shall be used to insure that employees are not placed in positions which would pose undue risk of infection to themselves, other employees, residents, or visitors.

b) The initial health evaluation shall be conducted not more than 30 days prior to the employee beginning employment in the facility. The evaluation shall be completed not more than 30 days after the employee begins employment in the facility.

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.655(c) (continued)

c) The initial health evaluation shall include a health inventory. This inventory shall be obtained from the employee and shall include the employee's immunization status and any available history of conditions which would predispose the employee to acquiring or transmitting infectious diseases. This inventory shall include any history of exposure to, or treatment for, tuberculosis. The inventory shall also include any history of hepatitis, dermatologic conditions, or chronic draining infections or open wounds.

d) The initial health evaluation shall include a physical examination. The examination shall include at a minimum any procedures needed in order to:

1) Detect any unusual susceptibility to infection and any conditions which would increase the likelihood of the transmission of disease to residents, other employees, or visitors.

2) Determine that the employee appears to be physically able to perform the job functions which the facility intends to assign to the employee.

e) The initial health evaluation shall include a tuberculin skin test which is conducted in accordance with the requirements of Section 300.1025. The test must meet one of the following timeframes:

1) The test must be completed no more than 90 days prior to the date of initial employment in the facility, or

2) The test must be commenced no more than ten days after the date of initial employment in the facility.

(Source: Added at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.670 Disaster Preparedness

a) Each facility shall have policies covering disaster preparedness including a written plan for staff and residents to follow in case of fire, explosion, severe weather or other hazardous circumstances or emergencies. The plan shall be rehearsed at least twice a year for each shift. The plan shall include, but is not limited to, the following: (B, C)

1) All personnel employed on the premises shall be properly



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.670(a)(1) (continued)

- instructed in the use of fire extinguishers. (~~B, G~~)
- 2) A written plan of evacuation posted, and made familiar to all personnel employed on the premises. (~~G~~)
  - b) Fire and disaster drills shall be held at least quarterly, for each shift of facility personnel and under varied conditions, in order to: (~~G~~)
    - 1) Ensure that all personnel on all shifts are trained to perform assigned tasks;
    - 2) Ensure that all personnel on all shifts are familiar with the use of the fire fighting equipment in the facility;
    - 3) Evaluate the effectiveness of disaster plans and procedures;
    - 4) Fire and disaster drills shall include simulation of evacuation of residents to safe areas during at least one drill each year on each shift.
    - 5) There shall be special provisions for the evacuation of the physically handicapped, including deaf ~~and/or~~ or blind, such as fire chutes and mattress loops with poles.
    - 6) Where the welfare of the residents precludes an actual evacuation of an entire building, there must be drills involving the evacuation of successive portions of the building under such conditions as to assure the capability of evacuating the entire building with the personnel usually available, should the need arise.
    - 7) There shall be a written evaluation submitted to the facility administrator which shall be maintained for three years.
  - c) A written plan shall be developed for temporarily relocating the residents for any emergency requiring relocation and any time the temperature in residents' bedrooms falls below ~~fifty-five~~ ~~(55)~~ degrees Fahrenheit for ~~twelve~~ ~~(12)~~ hours or more. (~~G~~)
  - d) Reporting of Emergencies
    - 1) Upon the occurrence of any emergency or disaster requiring hospital service, police, fire department or coroner, the facility administrator or their designee must provide a

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.670(d)(1) (continued)

preliminary report to the Department utilizing either the nursing home hotline or by contacting directly the appropriate Department Regional Office during business hours. This preliminary report shall include, at a minimum:

- A) Name and location of facility;
  - B) type of emergency;
  - C) number of injuries or deaths to residents;
  - D) number of beds not usable due to the event;
  - E) estimate of the extent of damages to the facility;
  - F) type of assistance needed, if any;
  - G) other state or local agencies notified about the problem.
- 2) If the emergency will not require direct Departmental assistance, the facility shall provide the preliminary report within 24 hours of the incident. Additionally, the Department shall receive a full written account within seven ~~(7)~~ days of the incident which includes the information specified in subsections (d)(1)(A) through (d)(1)(G) of this Section ~~above~~ and a statement of actions taken by the facility after the preliminary report. (~~G~~)
  - e) Each facility shall establish and implement policies and procedures in a written plan to provide for the health, safety, welfare and comfort of all residents whenever the temperature and relative humidity inside the residents living, dining, activities or sleeping areas of the facility are equal to or exceed the upper or lower limit lines (the solid lines) of the chart, "Zones of Physiological Perception," displayed in Table D: "Disaster Preparedness Parameters -- Relative Humidity and Temperature." (A, B, ~~G~~)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.680 Restraints and Safety Devices

- a) There shall be written policies which are followed in the operation of the facility, controlling the use of safety devices. These policies shall be developed by the medical advisory committee or the



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.680(a) (continued)

advisory physician with participation by nursing and administrative personnel. (B, ~~C~~)

- b) Safety devices, with the exception of side rails and geriatric chairs shall be used only upon written order of the attending physician and for the safety and security of the residents. In an emergency a telephone order is acceptable if taken as specified in Section 300.1620(a)(2). (B)

- c) The reasons for ordering and using safety devices shall be recorded in the clinical record. The recordings shall contain ongoing evaluations of the need for the safety devices and the measures being taken to reduce or eliminate the need for their use.

- d) A resident wearing a safety device shall have it released for a few minutes at least once every two ~~(2)~~ hours, or more often if necessary. Residents in geriatric chairs shall be assisted to ambulate every two ~~(2)~~ hours or more often if necessary and their physical condition permits. The resident's position shall be changed at these times, and good skin care or other nursing needs provided. (B)

- e) No safety device with locks shall be used. (B)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.690 Serious Incidents and Accidents

- a) The facility shall notify the Department of any incident or accident which has, or is likely to have, a significant effect on the health, safety, or welfare of a resident or residents. Incidents and accidents requiring the services of a physician, hospital, police or fire department, coroner, or other service provider on an emergency basis shall be reported to the Department. ~~(C)~~

- 1) Notification shall be made by a phone call to the Regional Office within ~~twenty-four (24)~~ hours of each serious incident or accident. If the facility is unable to contact the Regional Office, notification shall be made by a phone call to the Department's toll-free complaint registry number. ~~(C)~~

- 2) A narrative summary of each serious accident or incident occurrence shall be sent to the Department within seven ~~(7)~~ days of the occurrence. ~~(C)~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.690 (continued)

- b) A descriptive summary of each incident or accident shall be recorded in the progress notes or nurse's notes for each resident involved. ~~(C)~~

- c) The facility shall maintain a file of all written reports of serious incidents or accidents involving residents. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## SUBPART D: PERSONNEL

## Section 300.810 General

- a) Sufficient staff in numbers and qualifications shall be on duty all hours of each day to provide services that meet the total needs of the residents. As a minimum, there shall be at least one ~~(1)~~ staff member awake, dressed, and on duty at all times ~~each of the three (3) eight (8) hour shifts each day~~. (A, B, ~~C~~)

- b) The number and categories of personnel to be provided shall be based on the following:

- 1) Number of residents.
- 2) Amount and kind of personal care, nursing care, supervision, and program needed to meet the particular needs of the residents at all times.
- 3) Size, physical condition, and the layout of the building including proximity of service areas to the resident's rooms.
- 4) Medical orders.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.820 Categories of Personnel

- a) The facility shall provide an administrator as set forth in Subpart B. (B)

- b) The facility shall provide a Resident Services Director who is assigned responsibility for the coordination and monitoring of the resident's overall plan of care. The director of nurses or an



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.820(b) (continued)

individual on the professional staff of the facility may fill this assignment to assure that residents' plans of care are individualized, written in terms of short and long-range goals, understandable and utilized; their needs are met through appropriate staff interventions and community resources; and residents are involved, whenever possible, in the preparation of their plan of care. (B-~~G~~)

- c) The facility shall provide activity personnel as set forth in Section 300.1410(b). (B-~~G~~)
- d) The facility shall provide dietary personnel as set forth in Sections 300.2010 and 300.2020. (B-~~G~~)
- e) The facility shall designate a staff member to provide social services to residents. (B-~~G~~)
- f) The facility shall provide nursing personnel as set forth in Subpart F. (B-~~G~~)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.830 Consultation Services

- a) The facility shall have all arrangements for each consultant's services in a written agreement setting forth the services to be provided. These agreements shall be updated annually. (C-~~G~~)
- b) If the staff member designated to provide social services is not a registered or certified social worker, the facility shall have an effective arrangement with a registered or certified social worker to provide social service consultation. (C-~~G~~)

- 1) Skilled nursing facilities must provide a qualified social worker to meet this requirement.
- 2) A qualified social worker is one who meets the definition in Section 300.330. ~~1~~

~~A) is licensed by the State of Illinois (registered or certified by the Illinois Department of Registration and Education); and~~

~~B) is a graduate of a school of social work which has been-~~

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.830(b)(2) (continued)

~~approved by the Council on Social Work Education (some schools are approved for Bachelor's Degree programs and others for Master's Degree programs); and~~  
~~C) has one (1) year of social work experience in a health care setting.~~

- c) The facility shall have a written agreement for activity program consultation if required under Section 300.1410(c). ~~designate a staff member to be the director of the activities program. If this person is not a registered occupational therapist, a therapeutic Recreation Specialist, or a Certified Social Worker, the facility shall have a written agreement made with a person from one of those disciplines to provide consultation to the Activity Director, and shall assure the programming meets the needs of the residents.~~ (C-~~G~~)
- d) If the supervisor of health services is not a nurse currently registered to practice as a registered professional nurse in Illinois, arrangements shall be made for consultation from a person so qualified. She shall assist with the development of policies, methods, and procedures relating to the medical program, medication, in-service on these medications and in-service training and all aspects of personal and nursing care. She shall give this consultation in the facility not less than four ~~(4)~~ hours each week. (C-~~G~~)
- e) If a facility provides other specific restorative services (physical therapy, occupational therapy, etc.) they shall include consultation as set forth in Section 300.1420(a).
- f) The facility shall make arrangements for an advisory physician or medical advisory committee as set forth in Section 300.1010 or 300.1010(a)(2). (B-~~G~~)
- g) The facility shall make arrangements for an advisory dentist and dental hygienist if desired, as set forth in Section 300.1050 and 300.1050(b).
- h) The facility shall make arrangements for a consultant pharmacist as set forth in Section 300.1610 and 300.1610(e). (B)
- i) ~~Additional for--~~ Skilled Nursing Facilities ~~the facility~~ shall make arrangements for consultation from a Registered Medical Records Consultant as set forth in Section 300.1830.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.830 (continued)

- j) ~~Additional for~~ Skilled Nursing Facilities ~~The facility~~ shall make arrangements for a dietary consultant as set forth in Section 300.2010(b).

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.840 Personnel Policies

The personnel policies required in Section 300.650 and other personnel policies established by the facility, shall be followed in the operation of the facility.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

## Section 300.1010 Medical Care Policies

## a) Advisory Physician or Medical Advisory Committee

- 1) There shall be an advisory physician, or a medical advisory committee composed of physicians, who shall be responsible for advising the administrator on the overall medical management of the residents and the staff of the facility. If the facility employs a house physician, he may be the advisory physician. (B, G)
- 2) Additional for Skilled Nursing Facilities. There shall be a medical advisory committee composed of two ~~(2)~~ or more physicians who shall be responsible for advising the administrator on the overall medical management of the residents and the staff in the facility. If the facility employs a house physician, the house physician ~~he~~ may be one member of this committee. (G)

- b) The facility shall have and follow a written program of medical services which sets forth the following: the philosophy of care and policies and procedures to implement it; the structure and function of the medical advisory committee, if the facility has one; the health services provided; arrangements for transfer when medically indicated; and procedures for securing the cooperation of residents' personal physicians. The medical program shall be approved in writing by the advisory physician or the medical advisory committee. (B, G)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.1010 (continued)

- c) Every resident shall be under the care of a physician. Residents in facilities operated under bona fide Christian Science auspices may be exempt from this requirement. (G)
- d) All residents, or their guardians, shall be permitted their ~~Each~~ ~~resident, or his/her guardian shall be permitted his/her~~ choice of a physician. (G)
- e) All residents ~~Each resident~~ shall be seen by their ~~his/her~~ physician as often as necessary to assure adequate health care. (Medicare/Medicaid requires certification visits.) (G)
- f) Physician treatment plans, orders and similar documentation shall have an original written signature of the physician. A stamp signature, with or without initials, is not sufficient. (G)
- g) Each resident admitted shall have a ~~thorough~~ physical examination, within five ~~(5)~~ days prior to admission or within ~~seventy-two (72)~~ hours after admission. The examination report shall include at a minimum each of the following:

- 1) An ~~an~~ evaluation of the resident's condition, including height and weight, diagnoses, plan of treatment, recommendations, treatment orders, personal care needs, and permission for participation in activity programs as appropriate.
- 2) Documentation ~~The report shall include documentation~~ of the presence or absence of tuberculosis infection by tuberculin skin test in accordance with Section 300.1025 ~~or chest x-ray within one year prior to admission or at the time of examination~~.
- 3) Documentation ~~The report shall include documentation~~ of the presence or absence of incipient or manifest decubitus ulcers (commonly known as bed sores), with grade, size and location specified, and orders for treatment, if present. (A photograph of incipient or manifest decubitus ulcers is recommended on admission.)
- 3) ~~Orders~~ ~~The report shall include documentation~~ from the physician regarding weighing of the resident, and the frequency of such weighing, if ordered. (G)
- h) The facility shall notify the resident's physician of any accident, injury, or significant change in a resident's condition that threatens the health, safety or welfare of a resident, including, but not limited to, the presence of incipient or manifest decubitus



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.1010(h) (continued)

ulcers or a weight loss or gain of five ~~(5)~~ percent or more within a period of ~~thirty (30)~~ days. The facility shall obtain and record the physician's plan of care for the care of treatment of such accident, injury or change in condition at the time of notification. (B-~~1~~-G-)

- 1) At the time of an accident or injury, immediate treatment shall be provided by personnel trained in first aid procedures. (B-~~1~~-G-)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.1025 Tuberculin Skin Test Procedures

Tuberculin skin tests for employees and residents shall be conducted in accordance with the requirements in this Section.

- a) Where there is documentation for an employee or resident of previous significant skin test reaction and previous treatment for tuberculosis, no skin test is required. The facility shall retain such documentation of testing and treatment in the employee's personnel record or the resident's medical record.

- b) The tuberculin skin test shall consist of five tuberculin units of purified protein derivative administered intradermally using the Mantoux method.

- c) A significant reaction shall be considered to exist when either of the following conditions are present:

- 1) There is an area of induration ten mm or more in diameter.
- 2) There is an area of induration five mm or more in diameter and the attending physician or local health authority suspect tuberculosis on the basis of disease or exposure.

- d) If the first test is nonsignificant, a second test shall be given at least one week, but no more than three weeks, after the first test.

- e) If the first or second test reaction is significant, or if active tuberculosis is suspected at any time, the attending physician or local health authority shall order any further examinations and treatment which is considered necessary, such as x-rays, cultures, or sputum smears.

(Source: Added at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.1040 Behavior Emergencies

- a) If a resident becomes disturbed or unmanageable, he shall be examined by his physician. This medical examination shall be made promptly. (B-~~1~~-G-)

- b) No form of seclusion shall be permitted. ~~(G-)~~

- c) Restraints shall be used only in an emergency and only upon a physician's order until the resident is examined by the doctor. This examination shall be carried out promptly. Restraints may be applied only by personnel trained in proper application and observation of this equipment. (See Section 2-106 of the Act.) (B)

- d) The reason for ordering and using restraints shall be recorded in the clinical record. There shall be written policies, which are followed in the operation of the facility, covering the use of restraints. ~~(G-)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.1050 Dental Standards

- a) Each long-term care facility shall have a dental program which will provide for in-service education to residents and staff under direction of dental personnel including at a minimum the following: (B-~~1~~-G-)

- 1) Information regarding nutrition and diet control measures which are dental health oriented.
- 2) Instruction in proper oral hygiene methods.
- 3) Instruction concerning the importance of maintenance of proper oral hygiene and where appropriate including family members (as in the case of residents leaving the long-term care facility).

- b) The direct care staff shall receive in-service education annually. This will be provided by a dentist or a dental hygienist. (B-~~1~~-G-)

- 1) Direct care staff shall be educated in ultrasonic ~~and/or~~ or manual denture and partial denture cleaning techniques.
- 2) Direct care staff shall be educated in proper brushing and oral health care for residents who are unable to care for their own health.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.1050(b) (continued)

- 3) Direct care staff shall be educated in examining the mouth in order to recognize abnormal conditions for necessary referral.
- 4) Direct care staff shall be educated regarding nutrition and diet control measures and the effect on dental health.
- 5) Supplemental dental training films shall be included with any other health training films seen on a rotating basis.
- c) The long-term care facility's dental program shall provide for each resident having proper daily personal dental hygiene attention, with the nursing staff responsible for continuity of care which includes, but is not limited to, the following: (B, ~~C~~)
  - 1) Assistance in cleaning mouth with electric or hand brush if resident is unable to do so.
  - 2) Weekly ultrasonic cleaning of dentures and ~~for~~ partials is strongly recommended.
- d) There shall be comprehensive treatment services for all residents which include, but are not limited to, the following: (B, ~~C~~)
  - 1) Provision for dental treatment
  - 2) Provision for emergency treatment by a qualified dentist
- e) Each facility shall have a denture and dental prosthesis marking system which takes into account the identification marking system contained in Section 49 of the Illinois Dental Practice Act (Ill. Rev. Stat. 1987-1983, ch. 111, par. 2349). ~~2205, "Manufacture of dentures and dental prostheses. Identification marks."~~ Policies and Procedures shall be written and contained in the facility's Policies and Procedure Manual. It shall include, at a minimum, provisions for: (B, ~~C~~)
  - 1) Marking individual dentures or dental prostheses, if not marked prior to admission to the facility, within ten ~~(40)~~ days of admittance; and
  - 2) individually marked denture cups for denture storage at night.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## SUBPART F: NURSING AND PERSONAL CARE

## Section 300.1210 General Requirements for Nursing and Personal Care

- a) ~~There shall be a sufficient number of nursing personnel on duty twenty-four (24) hours each day to provide Adequate and properly supervised services nursing care and personal care shall be provided to each resident to meet the total nursing and personal care needs of the resident.~~ ~~Nursing personnel includes registered professional nurses, licensed practical nurses, nurse-aides, and orderlies, and any other persons, whatsoever their title, who provide or supervise the provision of direct nursing and/or personal care to residents. This would include persons involved in the process of training residents in the activities of daily living (ADL).~~ (A, B)
- b) Restorative/rehabilitative nursing measures shall be practiced on a ~~twenty-four (24) hour day, seven (7) day week basis.~~ Those procedures requiring medical approval shall be ordered by the attending physician. (A, B)
  - 1) The licensed nurse in charge of the restorative/rehabilitative nursing program shall have successfully completed a course or other training program which includes at least 60 hours of classroom/lab training in restorative/rehabilitative nursing as evidenced by a transcript, certificate, diploma, or other written documentation from an accredited school or recognized accrediting agency such as a State or National organization of nurses or a State licensing authority. Such training shall address each of the measures outlined in subsection (b)(2) of this Section. This person may be the Director of Nursing ~~or another nurse designated by the Director of Nursing~~ ~~to be in charge of the restorative/rehabilitative nursing program.~~ (B)
  - 2) ~~Restorative/rehabilitative measures shall include at a minimum the following procedures: (B, C)~~
    - 2) A) ~~Positioning and turning.~~ All nursing personnel shall encourage ~~and/or~~ and assist residents in maintaining good body alignment while standing, sitting or lying in bed. (B, ~~C~~)
    - 3) B) ~~Exercises.~~ All nursing personnel shall assist residents in maintaining maximum joint range of motion ~~and/or~~ and active range of motion. (B, ~~C~~)



## NOTICE OF ADOPTED AMENDMENTS

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## Section 300.1210(b) (continued)

- 4) ~~C) Bowel and bladder retraining. All nursing and auxiliary personnel shall assist incontinent residents to regain their former bowel and bladder patterns. Residents who are incontinent shall be evaluated for an individualized bowel and bladder program and such a program shall be instituted when appropriate. The use of indwelling catheters shall be discouraged. (B, C)~~
- 5) ~~D) Retraining in activities of daily living. All nursing personnel shall encourage and, when necessary, teach residents to function at their maximum level in all activities of daily living for as long as and to the degree that they are able. (B, C)~~
- 6) ~~E) Ambulation. All nursing personnel shall assist and encourage residents with daily ambulation as often as necessary (but not less than daily, unless otherwise ordered by the physician). (B, C)~~
- 7) ~~F) Transfer activities. All nursing personnel shall teach and assist residents with safe transfer activities in an effort to help them retain or regain their maximum level of independence. (B, C)~~
- 8) ~~G) Documentation of resident treatment and response to same shall be maintained as set forth in Section 300.1810(c). (B)~~
- c) General nursing care shall include at a minimum the following and shall be practiced on a 24-hour, seven day a week basis: (A, B)
- 1) ~~Proper administration of medications. Medications including oral, rectal, hypodermic, intravenous, and intramuscular shall be properly administered. (A, B)~~
  - 2) ~~The proper carrying out of treatment such as: Treatments and procedures, including, but not limited to, enemas, irrigations, catheterizations, applications of dressings or bandages, and supervision of special diets, and other treatments involving a like level of skill, shall be properly carried out. (A, B, C)~~
  - 3) All treatments and procedures shall be administered as ordered by the physician. (A, B)
  - 4) ~~Objective observations of changes in a resident's condition,~~

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.1210(c)(4) (continued)

- including mental and emotional changes, as a means for analyzing and determining care required and ~~for~~ the need for further medical evaluation and treatment shall be made by nursing staff and recorded in the resident's medical record. (A, B, C)
- 5) ~~4) Personal care, as defined in Section 300.330, and hygiene such as, but not limited to, clean, neat, well-groomed hair; clean, trimmed fingernails and toenails; clean skin and freedom from offensive odors; clean mouth and teeth; and care of lips to prevent dryness and cracking shall be provided on a 24-hour, seven day a week basis. This shall include, but not be limited to, the following: (A, B, C)~~
- A) Each resident shall have proper daily personal attention, including skin, nails, hair, and oral hygiene, in addition to treatment ordered by the physician. (B)
  - B) Each resident shall have at least one complete bath and hair wash weekly and as many additional baths and hair washes as necessary for satisfactory personal hygiene. (B)
  - C) Each resident shall have clean suitable clothing in order to be comfortable, sanitary, free of odors, and decent in appearance. Unless otherwise indicated by their physician this should be street clothes and shoes. (B)
  - D) Each resident shall have clean bed linens at least once weekly and more often if necessary. (B)
  - ~~E) Encouragement of residents to be dressed in their clothing whenever possible. Unless otherwise indicated by the physician, this should be street clothes and shoes. (C)~~
- 6) A regular program to prevent and treat decubiti including such measures as: (A, B, C) A regular program to prevent and treat pressure sores shall be practiced on a 24-hour, seven day a week basis, including, but not limited to: (A, B)
- A) Bathing, clean linens, and/or clothing each time the bed or clothing is soiled. Rubber, plastic or other types of linen protectors (newsprint is acceptable) shall be properly cleaned and completely covered to prevent direct contact with the resident. If rubber, plastic, or other type of waterproof materials are used for protective pants, they shall not come in direct



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.1210(c)(6)(A) (continued)

~~contact with the resident. Special attention shall be given to the skin to prevent irritations, skin rashes, or ulcerations. An evaluation of each resident shall be conducted upon admittance and as necessary to determine the susceptibility of the resident to skin breakdown. Preventive measures and treatment measures shall be carried out by facility staff. (B)~~

B) ~~Assistance in being up and out of bed as much as the condition of the resident permits. The resident may be denied this assistance only upon the written order of this physician. If the patient cannot move himself, he shall have his position changed as often as necessary. Skin care shall be provided which includes but is not limited to bathing, clean linens, and clothing each time the resident, the bed or clothing is soiled. (B)~~

C) ~~Residents shall be assisted in being up and out of bed as much as possible and shall be repositioned whether in bed or out of bed as their condition indicates. (A, B)~~

D) ~~Proper equipment shall be utilized to prevent or treat pressure sores, such as proper padding between pressure points, adaptive equipment, splints, and water mattresses. (B)~~

E) ~~An evaluation of each resident's nutritional status shall be conducted to determine if increased nutritional support is needed. (B)~~

7) ~~All necessary precautions shall be taken to assure the safety of residents at all times, such as but not limited to: nonslip wax on floors, side rails on beds, safe equipment and assistive devices properly maintained, and proper use of safety devices. (See Section 300.680.) (A, B, C)~~

~~d) Personal care shall include at a minimum the following: shall be provided on a twenty-four (24) hour, seven (7) day a week basis.~~

~~1) Each resident shall have proper daily personal attention and/or care including skin, nails, hair, and oral hygiene, in addition to treatment ordered by the physician. (B, C)~~

~~2) Each resident shall have at least one (1) complete bath and hair wash weekly and as many additional baths and hair washes~~

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.1210 (continued)

- ~~as necessary for satisfactory personal hygiene. (B, C)~~
- ~~3) Each resident shall have clean suitable clothing in order to be comfortable, sanitary, free of odors, and decent in appearance. (C)~~
- ~~4) Each resident shall have clean bed linens at least once weekly and more often if necessary. (C)~~
- ~~5) Each resident shall have sufficient clothing, in good condition, to be properly dressed each day. (C)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

Section 300.1220 Supervision of Nursing Services ~~Director of Nursing Service/Health Services Supervisor and Assistant Director of Nursing Service/Health Services Supervisor~~

a) Each skilled nursing facility shall have a director of nursing service or health services supervisor who shall be a registered nurse. In intermediate care facilities, the director of nursing service or health services supervisor shall be a registered nurse or a licensed practical nurse by education. (B)

1) This person shall have knowledge and training in nursing service administration and restorative and rehabilitative nursing. ~~She or he~~ This person shall also have some knowledge and/or and training in the care of the type of residents the facility cares for, (e.g., geriatric, pediatric, or psychiatric residents). This does not mean that the director of nursing must have completed a specific course or a specific number of hours of training in restorative/rehabilitative nursing unless ~~she or he is the~~ this person is in charge of the restorative and rehabilitative nursing program. (See Section 300.1210(b)). (C)

2) This person shall be a full-time employee who is on duty a minimum of ~~thirty-six (36)~~ hours, four ~~(4)~~ days per week. At least 50% of this person's hours shall be regularly scheduled ~~some time~~ between 7 A.M. and 7 P.M. (C)

A) A facility of less than ~~fifty (50)~~ bed capacity may, with written approval from the Department, have two nurses share the duties of this position if it is unable to obtain



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.1220(a)(2)(A) (continued)

a full-time person. Such an arrangement will be granted approval only through written documentation that the facility was unable to obtain the full-time services of a qualified individual to fill this position. Such documentation shall include, but not be limited to: an advertisement that has appeared in a newspaper of general circulation in the area for at least three weeks; the names, addresses and phone numbers of all persons who applied for the position and the reasons why they were not acceptable or would not work full-time; and information about the numbers and availability of licensed nurses in the area. The Department will grant approval only when such documentation indicates that there were no qualified applicants who were willing to accept the job on a full-time basis, and the pool of nurses available in the area cannot be expected to produce, in the near future, a qualified person who is willing to work full-time.

B) If two persons are to share the position in an intermediate care facility ~~ICF~~, one shall be designated the Health Services Supervisor. Both of these persons may be ~~(Registered Nurses (RN) or Practical Nurses (LPN))~~ ~~LPN's~~, both may be Licensed ~~LPN's~~, or one may be an RN and the other an LPN. In the latter case, the RN shall be designated as the Health Services Supervisor and the LPN shall be designated as the Assistant Health Services Supervisor.

C) In a facility licensed wholly or in part as a Skilled Nursing Facility, both of these persons must be RN's.

D) In facilities with a capacity of less than ~~fifty~~ ~~(50)~~ beds, this person may also provide direct patient care, and ~~her or his~~ this person's time may be included in meeting the staff to resident ratio requirements.

3) In skilled nursing facilities of ~~one hundred~~ ~~(100)~~ or more occupied beds, there shall be an assistant director of nursing service or assistant health services supervisor who is a registered nurse licensed to practice in Illinois. This person shall also meet the qualifications specified in subsection (a)(1) of this Section for the director of nursing service or health services supervisor.

4) In intermediate care facilities of ~~one hundred fifty~~ ~~(150)~~ or more occupied beds, there shall be a licensed nurse

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.1220(a)(4) (continued)

designated as the assistant director of nursing service or assistant health services supervisor (DONS/HSS). This person shall perform the duties of the DONS/HSS when the DONS/HSS is on vacation or extended sick leave. The assistant may provide direct patient care and be included in staff to resident ratio calculations.

5) The assistant shall be a full-time employee who is on duty a minimum of ~~thirty-six~~ ~~(36)~~ hours, four ~~(4)~~ days per week. The assistant may be assigned to work hours any time of the day or night. ~~(C)~~

6) The assistant shall assist the DONS/HSS in carrying out ~~her or his~~ the responsibilities of the DONS/HSS.

7) If the DONS/HSS or the assistant have other duties which interfere with the proper performance of their duties, another nurse shall be assigned to perform the duties of the DONS/HSS or assistant for that period of time when they are performing such other duties.

b) The DONS/HSS shall oversee the nursing services of the facility. ~~Her or his~~ This person's duties shall include:

- 1) Assigning and directing the activities of nursing service personnel.
- 2) Planning an up-to-date resident care plan for each resident based on ~~his or her~~ the resident's individual needs and goals to be accomplished, physician's orders, and personal care and nursing needs. Personnel, representing ~~representative of~~ other services such as nursing, activities, dietary, and such other modalities as are ordered by the physician, shall be involved ~~reflected~~ in the preparation of the resident care plan. The plan shall be in writing and shall be reviewed and modified in keeping with the care needed as indicated by the resident's condition. The plan shall be reviewed at least every three ~~(3)~~ months.
- 3) Recommending to the administrator the number and levels of nursing personnel to be employed, participating in their recruitment and selection and recommending termination of employment when necessary.
- 4) Participating in planning and budgeting for nursing services including purchasing of necessary equipment and supplies.



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.1220(b) (continued)

- 5) Developing ~~and/or~~ and maintaining nursing service objectives, standards of nursing practice, written policies and procedures, and written job descriptions for each level of nursing personnel.
- 6) Coordinating health services and nursing services with other resident care services such as medical, pharmaceutical, dietary activities, and any other restorative/rehabilitative services offered.
- 7) Planning of in-service education, embracing orientation, skill training, and on-going education for all personnel covering all aspects of resident care and programming. The educational program shall include training and practice in activities and restorative/rehabilitative nursing techniques through out-of-facility or in-facility training programs. ~~He/she~~ This person may conduct these programs personally or see to it that they are carried out.
- 8) Participating in the development and implementation of resident care policies and bringing resident care problems, requiring changes in policy, to the attention of the facility's policy development group. (See Section 300.610(a))
- 9) Participating in the screening of prospective residents and their placement in terms of services they need and nursing competencies available.

~~10) Failure to provide nursing services in this section shall constitute a "B" violation. (B)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.1230 Staffing

- a) Staffing shall be based on the needs of the residents, and shall be determined by figuring the number of hours of nursing time each resident needs on each shift of the day. This determination shall be made separately for both licensed and nonlicensed nursing personnel. (A, B)
- b) In a facility whose residents participate in regularly scheduled therapeutic programs outside the facility, such as school or sheltered workshops, the minimum hours per day of nursing care are reduced proportionately. Exceptions to the shift distribution will

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.1230(b) (continued)

- be allowed if more than 50% of the residents are regularly scheduled to be out of the facility, but the total required hours must be provided daily. For example: an ICF resident requires 1.75 hours of care per day, but attends a workshop for six hours five days a week. The resident's required minimum hours of care is reduced by 25% in calculating staffing hours required on week days.
- c) It is the responsibility of each facility to determine the staffing needed to meet the needs of its residents.
- d) In determining the level of care a resident needs, the patient evaluation system in Medical Review-Utilization Review program may be used. The facility may use other methods of determining skilled and intermediate level residents, but must make the method of determination used available to the Department. Residents whose care is reimbursed by the State shall be at the level determined by the Medical Review-Utilization Review patient evaluation system.
- e) The designations used for shifts in the following tables ~~(i.e., 7-3, 3-11 and 11-7)~~ are used for illustrative purposes only, and are not meant to imply that other shift designations, ~~such as 6-2, 8-4, 6-etc.,~~ cannot be used by the facility.
- f) The following figures apply to numbers of persons actually on duty and not to numbers of persons scheduled to be on duty.
- g) The director of nursing's time shall not be included in staffing ratios.
- h) Level of Care Determinations
  - 1) The following figures are also considered to be minimum requirements, and each facility, except those of ~~two hundred-fifty (250)~~ or more occupied beds, shall provide at least the amount of staffing indicated. However, it is recognized that there may be occasional differences of opinion between facility staff and Department surveyors regarding the level of care an individual resident may require. When such differences occur, the surveyor shall determine whether or not the resident is receiving appropriate care. If ~~he/she~~ the resident is, the surveyor shall accept the facility's level of care determination in determining the number of nursing hours to be provided by the facility.
  - 2) Facilities of more than ~~two hundred-fifty (250)~~ occupied



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.1230(h)(2) (continued)

beds must meet the staff-resident ratio for the ~~two hundred~~  
~~fifty (250)~~ residents needing the highest level of care.  
Additional staff shall be provided to meet resident needs as  
determined by the facility and verified by the Department. The  
Department may, based upon the Department's Patient Care  
Evaluation System review of resident care, require the facility  
to provide additional nursing hours to meet resident needs.

- i) In computing the number of persons needed in the following examples, any figure less than .25 will be dropped from the computation and any figure of .75 or higher will go to the next higher number. Figures in between .25 and .75 will require at least the amount of coverage indicated: ~~for example, .25 will require 2~~ two hours of coverage; ~~.3 will require 2~~ two hours of coverage; ~~.5 will require 4~~ four hours of coverage; ~~.6 will require 5~~ five hours of coverage; ~~.74 will require 6~~ six hours of coverage; ~~.8~~ eight hours of coverage; higher will require ~~8~~ eight hours of coverage.
- j) These additional hours may be provided by: a part-time person working those hours only on that shift each day; a full-time person working a shift that spans two regular shifts, ~~for example, from 12 noon to 8 P.M.; or by an additional full-time person on the shift. However, keep in mind that~~ these figures are minimal staffing requirements, and it is recommended that a full-time person be provided.
- k) The facility shall schedule nursing personnel in such a manner that the needs of all residents are met. At least 40% of the minimum required hours shall be on the day shift, at least 25% of the minimum required hours shall be on the evening shift, and at least 15% of the minimum required hours shall be on the night shift.
- l) Skilled Nursing Care Residents needing skilled nursing care may only be cared for in facilities licensed as Skilled Nursing Facilities. Each resident needing skilled care shall be provided at least 2.5 hours of nursing/personal care each day, of which 20% must be licensed nurse time. (A, B)
- m) Intermediate Nursing Care - General: Residents needing intermediate care may be cared for in facilities licensed as either Skilled Nursing Facility or Intermediate Care Facility. Each resident needing intermediate care shall be provided at least 1.7 hours of nursing/personal care each day, of which at least 20% must be licensed nurse time. (A, B)

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.1230 (continued)

- n) Intermediate Nursing Care - Light: A Long-term care resident needing light intermediate care is one who needs personal care as defined in Section 1-120 of the Act; is mobile; requires some nursing services; needs a program of social services and activities directed toward independence in daily living skills; and needs daily monitoring. Each resident needing light intermediate care shall be provided with at least ~~1.00~~ one hour ~~5~~ of nursing/personal care each day, of which at least 20% must be licensed nurse time. (A, B)
- o) In order to determine the numbers of nursing personnel needed to staff any facility, the following procedures shall be used:
  - 1) The facility shall determine the number of residents needing skilled, general intermediate, and light intermediate or sheltered care.
  - 2) The number of residents in each of the three categories shall be multiplied by the overall hours of coverage needed each day for each category.
  - 3) Adding the hours of care needed for the residents in each of the three categories will give ~~you~~ the total hours of care needed by all residents in the facility.
  - 4) Multiplying the total hours needed each day by the percentages assigned to each shift will give ~~you~~ the total minimum hours of care that must be provided on that shift. (Remember that the percentages assigned to each shift must total 100% each day.)
  - 5) Multiplying the total minimum hours of care needed on each shift by 20% will give ~~you~~ the minimum amount of licensed nurse time that must be provided during a 24-hour period.
  - 6) The remaining 80% of the minimum required nursing hours of care can be fulfilled by either nursing assistants or licensed nursing personnel as long as it can be documented that they provide restorative/rehabilitative nursing measures, general nursing care, ~~and/or~~ and personal care as defined in Section 300.1210.
  - 7) The amount of time determined in subsection (5) and (6) is expressed in hours. Dividing the total number of hours needed by the number of hours each person works per shift (usually seven and one half ~~7 1/2~~ or eight ~~8~~ hours) will give ~~you~~ the number of persons needed to staff each shift.



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

Section 300.1230 (continued)

p) Example of Staffing Calculations

1) Following is an example of this computation assuming a 100 bed Skilled Nursing Facility which has 25 skilled, 50 general intermediate and 25 light intermediate residents, assigning 45% to day shift, 35% to evening shift and 20% to the night shift.

2) Staffing would be computed as follows:

A) Total Minimum Hours of Care Needed

Level of Care	# of Residents	Total Hrs. Needed/Day Per Resident	Total Hrs. Needed/Day Per Facility
Skilled	25 [times]	2.5	= 62.5
General ICF	50 [times]	1.7	= 85.0
Light ICF	25 [times]	1.0	= 25.0
Total hours needed			172.5

B) Minimum Total Hours Needed Per Shift

Shift	Total Hrs. Per Day	Minimum Percent	Total Hrs. Needed
7-3	172.5	45%	77.6
3-11	172.5	35%	60.4
11-7	172.5	20%	34.5
			172.5

C) Licensed Nurse Coverage

Shift	Minimum Hrs. Per Shift	Minimum Percent	Minimum Nurse Hours Required
7-3	77.6	20%	15.5
3-11	60.4	20%	12.1
11-7	34.5	20%	6.9

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

Section 300.1230(p)(2) (continued)

D) Licensed Nurses Required

Shift	Minimum Nurse Hrs. Required	Hrs. Worked Per Shift	# of Nurses Needed
7-3	15.5 [divided by]	8 =	1.93 (2)
3-11	12.1 [divided by]	8 =	1.51 (1.5)
11-7	6.9 [divided by]	8 =	0.86 (1)

E) Nurse Aide-Orderly Coverage

Shift	Minimum Nurse Hrs. Required	Hrs. Worked Per Shift	# of Nurses Needed
7-3	77.6 [minus]	15.6 =	62.1
3-11	60.4 [minus]	12.1 =	48.3
11-7	34.5 [minus]	6.9 =	27.6

F) Nurse Aides/Orderlies Required

Shift	Minimum Aide Hrs. Required	Hrs. Worked Per Shift	# of Aides Needed
7-3	62.1 [divided by]	8 =	7.76 (8)
3-11	48.3 [divided by]	8 =	6.03 (6)
11-7	27.6 [divided by]	8 =	3.45 (3.5)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

Section 300.1240 Additional Requirements

In addition to the ~~above~~ staffing requirements in Section 300.1230, the following staffing requirements also apply to all Skilled Nursing Facilities and Intermediate Care Facilities:

a) There shall be a licensed nurse designated as being in charge of



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.1240(a) (continued)

nursing services on all shifts when neither the director of nursing or assistant director of nursing are on duty. If registered nurses and licensed practical nurses are on duty on the same shift, this person shall be a registered nurse. This person may be a charge nurse on one of the nursing units. The director of nursing or assistant director of nursing will, of course, be in charge of nursing services during those shifts when they are on duty. (A, B)

- b) There shall be at least one person awake, dressed and on duty at all times in each separate nursing unit. (A, B)
- c) There shall be at least one registered nurse on duty seven ~~(7)~~ days per week on the day shift in a skilled nursing facility. (A, B)
- d) There shall be at least one registered nurse or licensed practical nurse on duty at all times in an intermediate care facility or a skilled nursing facility. (A, B)
- e) There shall be at least one registered nurse or licensed practical nurse on duty on each floor housing residents in a skilled nursing facility. (A, B)
- f) The need for licensed nurses on each nursing unit in a skilled nursing facility and each floor or nursing unit in an intermediate care facility will be determined on an individual case basis, dependent upon the individual situation. If such additional staffing is required, the surveyor will inform the facility in writing of the kind and amount of additional staff time required, and the reason why it is needed.
- g) The need for an additional licensed nurse to serve as a "house supervisor" will be determined on an individual case basis. If the surveyor determines that there is a need for a registered nurse in a skilled nursing facility or a licensed practical nurse in an intermediate care facility on certain shifts whose sole duties will consist of supervising the nursing services of the facility, the surveyor shall notify the facility in writing when and why such a person is needed. This person shall not perform the duties of a charge nurse while serving as the "house supervisor".

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART G: RESIDENT CARE SERVICES

## Section 300.1410 Activity Program

- a) There shall be a specific planned program of group and individual activities designed to encourage restoration to self care and maintenance of normal activities which is geared to the individual resident's needs. Activities shall be available daily and for a reasonable amount of time. Residents shall be given an opportunity to contribute to planning, preparation, conducting, cleanup, and critique of the program. (B ~~4-6~~)
- b) Activity personnel shall be provided to meet the needs of the residents and the program. Activity staff time each week shall total not less than 45 minutes multiplied by the number of residents in the facility. This time shall be spent in providing activity programming as described in subsection (e) of this Section as well as the planning and directing of the program. The time spent in the performance of other duties not related to the activity program shall not be counted as part of the required activity staff time. (In a facility whose residents participate in regularly scheduled therapeutic programs outside the facility, such as school, employment or sheltered workshop, the minimum hours per week of activity staff time may be reduced. The reduction shall be calculated by multiplying the number of residents in the facility who participate in such programs by the percentage of the day these residents spend in such programs.)
- c) Activity Director and Consultation
  - 1) There shall be a trained staff person designated responsible for planning and directing the activities program. This person shall be regularly scheduled to be on duty in the facility at least ~~4~~ four days per week.
  - 2) If this person is not a Registered Occupational Therapist, a Therapeutic Recreation Specialist, or a Certified Social Worker with specialized coursework in social group work, the facility shall have a written agreement with a person from one of those disciplines to provide consultation to the Activity Director at least monthly, in order to make sure that the activity programming meets the needs of the residents of the facility.
  - 3) Any person designated as Activity Director who is responsible for planning and directing the activities program hired after December 24, 1987, shall have a high school diploma or equivalent.



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.1410(c) (continued)

- 4) The activity director shall have a minimum of ten ~~(10)~~ hours of continuing education per year pertaining to activities programming.
- 5) Consultation will be required only every six months when the activity director meets or exceeds the criteria in Appendix E: Criteria for Activity Directors Who Need Only Minimal Consultation. (See Section 300.830(c) for consultant services when required).
- d) There shall be written permission, with any contraindications stated, given by the resident's physician for the resident to participate in the activity program. Standing orders will be acceptable with individual contraindications noted. (B, ~~C~~)
- e) The activity program should include at a minimum the following program areas:
  - 1) Recreational activities (examples: games; both quiet and active; parties; and outside entertainment ~~etc.~~).
  - 2) Crafts (applicable for both men and women).
  - 3) Religious activities (examples: Bible study or discussion; Bible quizzes and games; hymn singing; and grace at meals ~~etc.~~). These are in addition to routine religious services.
  - 4) Service activities for community ~~and/or~~ and facility (examples: assist with community fund drives; projects for orphanages; care of one's own area in the facility; and helping to fold linen ~~etc.~~).
  - 5) Intellectual and educational activities (examples: classes in writing, arithmetic, grooming, and social graces; planned group discussion; quizzes and word games; resident council; and newsletter ~~etc.~~).
  - 6) Community activities (examples: residents' participation in community activities such as plays; church events; band concerts; and tours ~~etc.~~).
- f) A planned volunteer ~~and/or~~ or auxiliary program that assists with the activities program shall be encouraged. It shall be under the direction of a staff member in a supervisory capacity. ~~(C)~~

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.1410 (continued)

- g) Documentation of resident's response to program shall be part of the resident's record as set forth in Section 300.1810(c).

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.1420 Specialized Rehabilitation Services

If physical therapy, occupational therapy, speech therapy or any other specialized rehabilitative service is offered, it shall be provided by, ~~and/or~~ or supervised by, a qualified professional in that specialty and upon the written order of the physician. (B, ~~C~~)

- a) In addition to the provision of direct services, any such qualified professional personnel shall be used as consultants to the total restorative program and shall assist with resident evaluation, resident care planning, and in-service education.

- b) Appropriate records shall be maintained by these personnel. Direct service to individual residents shall be documented on the individual clinical record as set forth in Section 300.1810(c). A summary of program consultation and recommendations as set forth in Section 300.1810(h) shall be documented.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.1430 Work Programs

- a) Work programs for individual residents in facilities shall be allowed only if they are oriented toward resident adjustment and therapeutic benefits and if they are approved in writing by the Department. Such programs should be a rarity in skilled nursing facilities. ~~(C)~~
- b) Permission for each such program shall be secured from the Department. Each program shall be presented in writing indicating such things as objectives, possible work assignment, duties, policies governing the program, agency involvement (where appropriate), and supervision. ~~(C)~~
- c) Residents involved in such programs shall meet all requirements of the Department for persons functioning in these positions. ~~(C)~~
- d) Residents shall not be used to replace employed staff. (B, ~~C~~)



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.1430 (continued)

- e) Appropriate records shall be maintained for each resident functioning in these programs. These shall show appropriateness of the program for the individual, resident's response to the program and any other pertinent observations and shall become a part of the resident's record. (See Section 300.1810(c).) ~~(C)~~
- f) All such programs shall be in full compliance with all applicable regulations of both the State and Federal Departments of Labor. Any program found by the Department not to be in compliance with State and Federal Departments of Labor regulations shall be terminated immediately. ~~(C)~~

(Source: Amended at 13 Ill. Reg. ~~4684~~ effective March 24, 1989)

## SUBPART H: MEDICATIONS

## Section 300.1610 Medication Policies and Procedures

a) Development of Medication Policies

- 1) Every facility shall adopt written policies and procedures, which are consistent with the purpose of the Act and this Part ~~these Rules and Regulations~~ and which shall be followed in the operation of the facility, for properly and promptly obtaining, dispensing, administering, and disposing of drugs and medications. These policies and procedures shall be in compliance with all applicable Federal, State and local laws. (A, B)

- 2) These policies and procedures shall be developed with the advice of a pharmaceutical advisory committee which includes at least one ~~(1)~~ licensed pharmacist, one ~~(1)~~ physician, the administrator and the Director of Nursing Services (Skilled Nursing Facility), or Health Services Supervisor (Intermediate Care Facility). This Committee shall meet at least quarterly. (B, C)

- b) All legend medications maintained in the facility shall be on individual prescription or from the physician's personal office supply, and shall be properly labeled as set forth in Section 300.1640. A physician who supplies medication from his personal office supply must comply with the ~~all~~ requirements of Section 33 of the ~~Illinois~~ Medical Practice Act ~~of 1987~~ (Ill. Rev. Stat. ~~1981~~ 1987, ch. 111, par. ~~4401~~ 4400-33 ~~et seq.~~) ~~and the~~ "Controlled Substances Act" (Ill. Rev. Stat. 1981, ch. 66 ~~1-12~~, par.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.1610(b) (continued)

~~1101 et seq., and the rules promulgated thereunder.~~ (B, C)

- c) All medications administered shall be properly recorded as set forth in Section 300.1810(d). (B, C)
- d) The staff pharmacist or consultant pharmacist shall participate in the planned in-service education program of the facility on topics related to pharmaceutical service. ~~(C)~~
- e) Permission must be obtained from this Department prior to the opening of any pharmacy in a facility. Such permission will be granted only if it can be shown that the operation of the pharmacy will not interfere in any way with the residents. The pharmacist shall then obtain a license to operate the pharmacy in accordance with the rules and regulations of the ~~Illinois~~ Department of Professional Regulation ~~Registration and Education~~. ~~(C)~~
- f) No facility shall maintain a stock supply of controlled drugs or legend drugs, except for those in the emergency medication kits and convenience boxes, as described in subsections (h) and ~~Section 300.1610~~ (i) of this Section. (B, C)
- g) A facility may stock drugs which are regularly available without prescription at a commercial pharmacy, such as: noncontrolled cough syrups, laxatives, and analgesics. These shall be given to a resident only upon written order of the physician, dentist, or podiatrist, shall be administered from the original containers, and shall be recorded in the resident's clinical record. (B, C)
- h) A facility may keep "convenience boxes" containing a reasonable number of medications normally used to treat conditions when residents suddenly become ill in non-life-threatening situations. There shall be no more than six ~~(6)~~ single doses of any one medication for each ~~one hundred~~ ~~(100)~~ licensed beds or portion thereof. Such conditions may include, but are not limited to: convulsions, serious emotional upsets, diarrhea, infection, severe pain, etc. A dose shall be that amount listed by the manufacturer as the "usual dose" of the medication for adults. If the "usual dose" is two ~~(2)~~ tablets, the facility may keep ~~twelve~~ ~~(12)~~ tablets in the convenience box. (B, C)
- 1) The contents and number of these "convenience boxes" shall be determined by the pharmaceutical advisory committee, and there shall be a label on the outside of each box, listing the contents. (B, C)



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.1610(h) (continued)

- 2) Each "convenience box" shall be under the control of the pharmacy which supplies the contents of the box, and it shall be kept in a locked medicine room or cabinet. (B-~~7~~-G-)
- 3) No Schedule II substances shall be kept in "convenience boxes." (B-~~7~~-G-)
- 1) Emergency medication kits containing drugs necessary for life saving measures shall be approved by the facility's pharmaceutical advisory committee, and shall be available for immediate use at all times in locations as determined by the pharmaceutical advisory committee. (B-~~7~~-G-)

1) In order to provide better security for the contents of these kits, it is recommended that some type of seal be placed on each kit after it has been checked and refilled. This would ensure that the contents of each kit is intact when needed in an emergency.

2) These kits shall consist of no more than three ~~(3)~~ single, injectable doses of only a few medications, such as those necessary to treat: cardiac arrest, acute coronary, acute cardiac failure, asthmatic ~~and/or~~ or allergic reactions, acute convulsions, acute pain, shock, diabetic coma, insulin shock, and an acute respiratory infection requiring emergency administration of a starter dose of an injectable antibiotic. The kits should also contain all of the equipment needed to administer these medications, such as a tourniquet, proper size needles and syringes, and alcohol swabs. It is also permissible to have an airway in these kits. (A, B-~~7~~-G-)

3) The contents of these kits shall be labeled on the outside of each kit. The kits shall be refilled as needed. They shall be reviewed by the pharmaceutical advisory committee regarding content at least quarterly. Written documentation of this review shall be maintained. (B-~~7~~-G-)

j) Since emergency medication kits must be available for immediate use at all times, the following requirements must be met when controlled substances are kept as part of the emergency medication kits: (B-~~7~~-G-)

1) The controlled substances must be stored separately in a locked cabinet or room, and labeled as to substance and the fact that they are a part of the emergency medication kit. The label of the emergency kit shall list the substances and the specific

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.1610(j)(1) (continued)

- location where they are stored. (B-~~7~~-G-)
- 2) The controlled substances must be obtained from a Drug Enforcement Administration registered hospital, pharmacy, or practitioner. (B-~~7~~-G-)
- 3) Only the director of nursing services, registered nurse on duty, licensed practical nurse on duty, consultant pharmacist or practitioner shall have access to these controlled substances. (B-~~7~~-G-)
- 4) No more than ten different controlled substances shall be kept as part of an emergency medication kit, and there shall be no more than three single, injectable doses of any one controlled substance. (B-~~7~~-G-)
- 5) These controlled substances may be administered only under the emergency conditions set forth in subsection ~~Section 300.1610~~ (1)(2) of this Section and only by registered nurses, licensed practical nurses or practitioners, in compliance with 21 CFR 1306.11 and 21 CFR 1306.21 and the Department of Professional Regulation's ~~Registration and Education~~ rules for the administration of the Illinois Controlled Substance Act (77 Ill. Adm. Code 3100 ~~1650~~). (B-~~7~~-G-)
- 6) A proof-of-use sheet shall be stored with each separate controlled substance. Entries shall be made on the proof-of-use sheet by the nursing staff or practitioner when any controlled substance from the kit is used. The consultant pharmacist shall receive and file for two years a copy of all completed proof-of-use sheets. (B-~~7~~-G-)
- 7) Whenever the controlled substance portion of an emergency medication kit is opened, the consultant pharmacist shall be notified within 24 hours. During any period when this kit is opened, a shift count shall be done on all controlled substances until the kit is closed or locked by the consultant pharmacist. Shift counts are not mandatory when the kit is sealed. Proper forms for shift counts shall be kept with these portions of emergency medication kits. (B-~~7~~-G-)
- 8) The consultant pharmacist shall check the controlled substances portions of emergency medication kits at least monthly and so document on the outside of each kit. (B-~~7~~-G-)



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.1610(j) (continued)

- 9) Failure to comply with any provision of this rule, or of any applicable provision of state or federal statutes or regulations pertaining to controlled substances shall result in loss of the privilege of having or placing controlled substances in emergency medication kits until such time as the facility can demonstrate that it is in compliance with such regulations. This is in addition to the usual methods of corrective action available to the Department, such as fines and ~~other~~ other penalties.

- k) Oxygen may be administered in a facility either as concentrated bottled oxygen or via means of an oxygen concentrator. Storage and handling of the bottled oxygen supply shall be in accordance with the 1977 National Fire Protection Association Standards, but no subsequently amended edition of the standards, for nonflammable medical gas systems. (See Section 300.2820 or Section 300.3020 as appropriate). The facility must be in compliance with directions for use of oxygen concentrators as established by the manufacturer. (A, B, ~~C~~)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.1620 Conformance With Physician's Orders

a) Physician's Orders and Telephone Orders

- 1) All medications, including cathartics, headache remedies, or vitamins, shall be given only upon the written order of a physician. All such orders shall have the handwritten signature of the physician. (Rubber stamp signatures are not acceptable.) These medications shall be given as prescribed by the physician and at the designated time. (A, B, ~~C~~)
- 2) Telephone orders may be taken by a registered nurse or licensed practical nurse. All such orders shall be immediately written on the resident's clinical record, or a "telephone order form" and signed by the nurse taking the order. These orders shall be countersigned by the physician within five ~~(5)~~ working days. Facilities participating in Medicare/Medicaid must meet the applicable Federal regulations. (B, ~~C~~)

- b) Review of medication orders: The staff pharmacist or consultant pharmacist shall review the medical record, including physician orders and laboratory test results, at least monthly and, based on ~~his/her~~ their clinical experience and judgment, determine if there

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.1620(b) (continued)

are irregularities which would cause potential adverse reactions, allergies, contraindications, or ineffectiveness. This review shall be done at the facility. Documentation of this review must be entered in the clinical record. Any irregularities noted shall be reported to the attending physician, the advisory physician, and the administrator. (A, B, ~~C~~)

- c) A medication order not specifically limiting the time or number of doses shall be automatically stopped in accordance with written policies approved by the pharmaceutical advisory committee. (B, ~~C~~)
- d) The resident's attending physician shall be notified of medications about to be stopped so that the physician ~~he~~ may promptly renew such orders to avoid interruption of the resident's therapeutic regimen. (B, ~~C~~)
- e) All medications to be released to the resident, or person responsible for the resident's ~~his/her~~ care, at the time of discharge or when the resident is going to be temporarily out of the facility at medication time, (such as when attending a vocational training program or on a weekend pass) shall be approved by the physician. A notation concerning their disposition shall be made on the resident's clinical record. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.1630 Administration of Medication

- a) All medications shall be administered only by licensed medical or licensed nursing personnel in accordance with their respective licensing requirements. (Some schools of nursing, especially some licensed practical nursing schools, do not include pharmacology courses. It is required that graduates of such schools successfully complete a course in pharmacology or have at least one year's fulltime equivalent experience in administering medications in a health care setting, in order to be considered to "have either training or experience, or both, in the job assigned to them" [Section 300.650(b)(1)], if their duties include administering medications to residents.) (A, B, ~~C~~)

- 1) Medications shall be administered as soon as possible after doses are prepared and administered by the same person who prepared the doses for administration, except under single unit dose packaged distribution systems. (B, ~~C~~)



## Section 300.1630(a) (continued)

- 2) Each dose administered shall be properly recorded in the clinical records by the person who administers the dose. (See Section 300.1810(d)) (A, B, ~~C~~)
- 3) Self-administration of medication shall be permitted only upon the written order of the attending physician. (B, ~~C~~)
- b) The facility shall have medication records which shall be used and checked against the physician's orders to assure proper administration of medicine to each resident. Such records as computer generated medication sheets may be used. Medication records shall include or be accompanied by recent photographs or other means of easy identification such as resident identification wristbands. Medication records shall contain the resident's name, diagnoses, known allergies, current medications, and, if possible, a history of prescription and non-prescription medications taken by the resident during the ~~thirty~~ (30) days prior to admission to the facility. (B, ~~C~~)
- c) Medications prescribed for one resident shall not be administered to another resident. (B, ~~C~~)
- d) If for any reason, a physician's medication order cannot be followed, the physician shall be notified as soon as is reasonable, depending upon the situation, and a notation made on the resident's record. (B, ~~C~~)
- e) Medication errors and drug reactions shall be immediately reported to the resident's physician and the consulting pharmacist. An entry thereof shall be made in the resident's clinical record and the error or reaction shall also be described in an incident report. (A, B)
- f) Nurses' stations shall be equipped as per Sections 300.2860(e) or 300.3060(d) and shall have all necessary items readily available for the proper administration of medications. ~~(C)~~
- g) Current medication references shall be available, such as the current edition of "Facts and Comparisons, Hospital Formulary," "Physician's Desk Reference" or other suitable references. ~~(C)~~

1) Attorney General's Opinion File No. S-1033, dated Jan. 9, 1976 concluded that the administration of medication to residents of licensed long-term care facilities is a nursing procedure, as defined in the Illinois Nursing Act (Ill. Rev. Stat. 1985, ch. 111, par. 3401 et seq.), and as such, cannot be performed by persons who are not licensed as either Registered

## Section 300.1630 (continued)

Professional Nurses or Licensed Practical Nurses. The opinion concluded by stating that "nursing aides, orderlies, attendants, and other auxiliary workers who are employed in nursing homes are not permitted to administer medications to patients in nursing homes."

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.1640 Labeling and Storage of Medications

- a) All medications for all residents shall be properly labeled and stored at, or near, the nurses' station, in a locked cabinet, a locked medication room, or one or more locked mobile medication carts of satisfactory design for such storage. (See ~~Subsections~~ (f) and (g) of this Section) (B)
- 1) These cabinets, rooms, ~~and/or~~ and carts shall be well lighted and of sufficient size to permit storage without crowding. (B, ~~C~~)
- 2) All mobile medication carts shall be under the visual control of the responsible nurse at all times when not stored safely and securely either in a locked room or otherwise made immobile. (B, ~~C~~)
- b) All medications for external use shall be kept in a separate area in the medicine cabinet, medicine room, or mobile medication cart. (B, ~~C~~)
- c) All poisonous substances and other hazardous compounds, such as sterilization solutions, irrigation solutions, antiseptics, and diagnostic reagents ~~etc.~~, shall be kept in a separate locked container away from medications. (B)
- d) Biologicals or medications requiring refrigeration shall be kept in a separate, securely fastened locked box within a refrigerator or a locked refrigerator, at or near the nurses' station or in a refrigerator within a locked medication room. (B)
- e) The key to the medicine cabinet, medicine room ~~and/or~~ or mobile medication cart shall be the responsibility of, and in the possession of, the persons authorized to handle and administer medications, at all times. (B, ~~C~~)
- f) The label of each individual multi-dose medication container filled



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.1640(f) (continued)

by a pharmacist shall clearly indicate the resident's full name, physician's name, prescription number, name, strength and quantity of drug, date this container was last filled, the initials of the pharmacist filling the prescription, the identity of the pharmacy, and any necessary special instructions. If the individual multi-dose medication container is dispensed by a physician from his own supply, the label shall clearly indicate all the preceding information except that pertaining to the identification of the pharmacy, pharmacist and prescription number. ~~(C)~~

g) Each single unit ~~and/or~~ or unit dose package shall bear the proprietary ~~and/or~~ or nonproprietary name of the drug, strength of dose and total contents delivered, lot or control number, and expiration date, if applicable. The names of the resident and the physician do not have to be on the label of the package, but they must be identified with the package in such a manner as to assure that the drug is administered to the right resident. Appropriate accessory and cautionary statements and any necessary special instruction shall be included, as applicable. Hardware for storing and delivering the medications shall have a label bearing the identity of the dispensing pharmacy. The pharmacist shall provide written verification of the date the medications were dispensed and the initials of the pharmacist who reviewed and verified the medications on hand. The pharmacist need not store such verification at the facility but shall readily make it available to the Department upon request. The lot or control number need not appear on unit dose packages if the dispensing pharmacy has a system for identifying those doses recalled by the manufacturer/distributor or if the dispensing pharmacy will recall and destroy all dispensed doses of a recalled medication, irrespective of a manufacturer's/distributor's specifically recalled lot. (B-~~G~~)

h) Medication in containers having soiled, damaged, incomplete, illegible, or makeshift labels shall be returned to the issuing pharmacist, pharmacy, or dispensing physician for relabeling or disposal. Medications in containers having no labels shall be destroyed in accordance with Federal and State laws. (B-~~G~~)

i) The medications of each resident shall be kept and stored in their originally received containers. Medications shall not be transferred between containers, except that a licensed nurse may remove medication from original containers and place it in other containers to be sent with a resident when the resident will be out of the facility at the time of scheduled administration of medication, as, for instance, when the resident is on a home visit or away from the

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.1640(i) (continued)

facility for employment, workshop, or educational activities. When medication is sent out of the facility with the resident, it shall be labeled by the nurse with the name of the resident, name of the medication, instructions for taking and any other appropriate information. (B-~~G~~)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.1650 Control of Medications

- a) The facility shall comply with all Federal and State laws and regulations relating to the procurement, storage, dispensing, administration, and disposal of medications.
- b) All Schedule II controlled substances shall be stored in such a manner so that two ~~(2)~~ separate locks, using two ~~(2)~~ different keys, must be unlocked to obtain these substances. This may be accomplished by several methods such as locked cabinets within locked medicine rooms, separately locked, securely fastened boxes (or drawers) within a locked medicine cabinet, locked portable medication carts, which are stored in locked medicine rooms when not in use, or portable medication carts containing a separate locked area within the locked medication cart, when such cart is made immobile. (B-~~G~~)
- c) All discontinued medications, or those having an expiration date that has passed, and all medications of residents who have been discharged or who have expired, shall be disposed of in accordance with the written policies and procedures that have been established by the facility in accordance with Section 300.1610. This rule shall not apply to residents who have been temporarily transferred to a hospital or who are on a temporary home visit. Medications for such persons shall be kept in the facility until such time as the resident expires or is discharged from the facility. (B-~~G~~)

## d) Inventory Controls

- 1) For all Schedule II substances, a controlled substances record shall be maintained which lists on separate sheets, for each type and strength of Schedule II substance, the following information: date, time administered, name of resident, dose, physician's name, signature of person administering dose, and number of doses remaining. ~~(C)~~



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.1650(d) (continued)

- 2) The pharmaceutical advisory committee may also require that other medications shall be subject to such inventory records.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## SUBPART I: RESIDENT AND FACILITY RECORDS

## Section 300.1810 Resident Record Requirements

- a) Each facility shall have a medical record system that facilitates the retrieval of information regarding individual residents as demonstrated by the facility. ~~(C)~~

- b) The facility shall keep an active medical record for each resident. This resident record shall be kept current, complete, legible and available at all times to those personnel authorized by the facility's policies, and to the Department's representatives. ~~(C)~~

- c) Record entries shall meet the following requirements:

- 1) Record entries shall be made by the person providing or supervising the service or observing the occurrence that is being recorded. ~~(C)~~

- 2) Each record entry shall be written in ink or typed, shall be signed, dated, and shall include the profession or title of the person making the entry. ~~(C)~~

- d) All physician's orders, plans of treatment, Medicare or Medicaid certification, recertification statements, and similar documents shall have the original written signature of the physician. The use of a physician's rubber stamp signature, with or without initials, is not acceptable. ~~(C)~~

- e) An ongoing resident record including progression toward and regression from established resident goals shall be maintained. ~~(B)~~

- 1) The progress record shall indicate significant changes in the resident's condition. Any significant change shall be recorded upon occurrence by the staff person observing the change. ~~(B)~~

- 2) Recommendations and findings of direct service consultants, such

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.1810(e)(2) (continued)

as providers of social, dental, dietary or rehabilitation services, shall be included in the resident's progress record when the recommendations pertain to an individual resident. ~~(C)~~

- f) A medication administration record shall be maintained which contains the date and time each medication is given, name of drug, dosage, and by whom administered. ~~(C)~~

- g) Treatment sheets shall be maintained recording all resident care procedures ordered by each resident's attending physician. Physician ordered procedures which shall be recorded include, but are not limited to, the prevention and treatment of decubitus ulcers, weight monitoring to determine a resident's weight loss or gain, catheter/ostomy care, blood pressure monitoring, and fluid intake and output. ~~(C)~~

- h) The facility shall have the option of using universal progress notes in the medical records.

- i) Each facility shall have a policy regarding the retirement and destruction of medical records. This policy shall specify the time frame for retiring a resident's medical record, and the method to be used for record destruction at the end of the record retention period. The facility's record retirement policy shall not conflict with the record retention requirements contained in Section 300.1840 of this Part. ~~(C)~~

- j) Discharge information shall be completed within ~~forty-eight~~ 48 hours after the resident leaves the facility. The resident care staff shall record the date, time, condition of the resident, to whom released, and the resident's planned destination (home, another facility, undertaker). This information may be entered onto the admission record form. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.1820 Content of Medical Records

- a) No later than the time of admission, the facility shall enter the following information onto the identification sheet or admission sheet for each resident:

- 1) Name, sex, date of birth and Social Security Number,



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

Section 300.1820(a) (continued)

- 2) Marital Status, and the name of spouse (if there is one).
  - 3) Whether the resident has been previously admitted to the facility.
  - 4) Date of current admission to the facility.
  - 5) State or country of birth.
  - 6) Home address.
  - 7) Religious affiliation (if any).
  - 8) Name, address and telephone number of any referral agency, state hospital, zone center or hospital from which the resident has been transferred (if applicable).
  - 9) Name and telephone number of the resident's personal physician.
  - 10) Name and telephone number of the resident's next of kin or responsible relative.
  - 11) Race and origin.
  - 12) Most recent occupation.
  - 13) Whether the resident or the resident's spouse is a veteran.
  - 14) Father's name and mother's maiden name.
  - 15) Name, address and telephone number of the resident's dentist, and
  - 16) The diagnosis applicable at the time of admission.
- b) At the time of admission, the facility shall obtain a history of prescription and non-prescription medications taken by the resident during the ~~thirty~~ 30 days prior to admission to the facility (if available).
- c) In addition to the information that is specified above, each resident's medical record shall contain the following:

- 1) Medical history and physical examination form that includes conditions for which medications have been prescribed, physician findings, all known diagnoses and restoration potential. This

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

Section 300.1820(c)(1) (continued)

- shall describe those known conditions that the medical and resident care staff should be apprised of regarding the resident. Examples of diagnoses and conditions that are to be included are allergies, epilepsy, diabetes and asthma. ~~(C)~~
- 2) A physician's order sheet that includes orders for all medications, treatments, therapy and rehabilitation services, diet, activities and special procedures or orders required for the safety and well-being of the resident. ~~(C)~~
  - 3) Nurse's notes that describe the nursing care provided, observations and assessment of symptoms, reactions to treatments and medications, progression toward or regression from each resident's established goals, and changes in the resident's physical or emotional condition. ~~(B)(C)~~
  - 4) An ongoing record of notations describing significant observations or developments regarding each resident's condition and response to treatments and programs.
    - A) Physicians and other consultants who provide direct care or treatment to residents shall make notations at the time of each visit with a resident. ~~(C)~~
    - B) Significant observations or developments regarding resident responses to activity programs, social services, dietary services and work programs shall be recorded as they are noted. If no significant observations or developments are noted, if no significant observations or developments are noted for three months, an entry shall be made in the record of that fact. ~~(C)~~
    - C) Significant observations or developments regarding resident responses to nursing and personal care shall be recorded as they are noted. If no significant observations or developments are noted for a month, an entry shall be made in the record of that fact. ~~(C)~~
  - 5) Any laboratory and x-ray reports ordered by the resident's physician. ~~(C)~~
  - 6) Documentation of visits to the resident by a physician and to the physician's office by the resident. ~~(C)~~ The physician shall record, or dictate and sign, the results of such visits, such as changes in medication, observations and recommendations made by the physician during the visits, in the record.



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTSDEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.1820(c) (continued)

- 7) The results of the physical examination conducted pursuant to Section 300.1010(g) of this Part. ~~(C)~~
- 8) Upon admission from a hospital or state facility, a hospital summary sheet or transfer form that includes the hospital diagnosis and treatment, and a discharge summary. This transfer information, which may be included in the transfer agreement, shall be signed by the physician who attended the resident while in the hospital.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.1830 Records Pertaining to Residents' Property

- a) The facility shall maintain a record of any resident's belongings, including money, valuables and personal property, accepted by the facility for safekeeping. This record shall be initiated at the time of admission and shall be updated on an ongoing basis and made part of the resident's record. ~~(C)~~
- b) When purchases are made for a resident from the resident's personal monies, receipts shall be obtained and retained that verify the date, amount, and items purchased. ~~(C)~~
- c) A separate bookkeeping system shall be maintained by the facility which accounts for all transactions affecting each resident's account. Each individual resident, or the individual resident's representative, shall have access to the record of that individual resident's account. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.1840 Retention and Transfer of Resident Records

- a) Records of discharged residents shall be placed in an inactive file and retained as follows:
  - 1) Records for any resident who is discharged prior to being ~~eighteen (18)~~ years old shall be retained at least until the resident reaches the age of ~~twenty-three (23)~~. ~~(C)~~
  - 2) Records of residents who are over ~~eighteen (18)~~ years old at the time of discharge shall be retained for a minimum of five

## Section 300.1840(a)(2) (continued)

- ~~(5)~~ years. ~~(C)~~
- b) After the death of a resident, the resident's record shall be retained for a minimum of five ~~(5)~~ years. ~~(C)~~
- c) It is suggested that the administrator check with legal counsel regarding the advisability of retaining resident records for a longer period of time, and the procedures to be followed in the event the facility ceases operation.
- d) When a resident is transferred to another facility, the transferring facility shall send with the resident a reason for transfer, summary of treatment and results, laboratory findings, and orders for the immediate care of the resident. This information may be presented in a transfer form or an abstract of the resident's medical record. ~~(B)(C)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.1850 Other Resident Record Requirements

This Section contains references to rules located in other Subparts that pertain to the content and maintenance of medical records.

- a) The resident's record shall include facts involved if the resident's discharge occurs despite medical advice to the contrary, as required by Section 300.620(f) of this Part.
- b) The resident's record shall identify the reasons for any order and use of safety devices or restraints, as required by Sections 300.680(c) and 300.1040(d), respectively, of this Part.
- c) The resident's record shall include information regarding the physician's notification and response regarding any serious accident or injury, or significant change in condition, as required by Section 300.1010(h) of this Part.
- d) The resident's record shall contain the physician's permission, with contraindications noted, for participation in the activity program, as required by Section 300.1410(d) ~~(C)~~ of this Part.
- e) The records of residents participating in work programs shall document the appropriateness of the program for the resident and the resident's response to the program, as described in Section 300.1430(e) of this Part.



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.1850 (continued)

- f) Telephone orders shall be transcribed into the resident's medical record or a telephone order form and signed by the nurse taking the order, as described in Section 300.1620(a)(2) of this Part.
- g) Documentation of the review of medication orders shall be entered in ~~to~~ the resident's medical record as described in Section 300.1620(b) of this Part.
- h) The resident's medical record shall include notations indicating any release of medications to the resident or person responsible for the resident's care, as described in Section 300.1620(e) of this Part.
- i) Instances of inability to implement a physician's medication order shall be noted in the resident's medical record, as described in Section 300.1630(d) of this Part.
- j) Medication errors and drug reactions shall be noted in the resident's medical record as described in Section 300.1630(e) of this Part.
- k) The resident's record shall include the physician's diet order and observations of the resident's response to the diet, as described in Section 300.2040 of this Part.
- l) The resident's record shall contain any physician determinations that limit the resident's access to the resident's personal property, as described in Section 300.3210(b) of this Part.
- m) The facility shall comply with Section 300.3210(g) of this Part, which requires that any medical inadvisability regarding married residents residing in the same room be documented in the resident's record.
- n) The facility shall permit each resident, resident's parent, guardian or representative to inspect and copy the resident's medical records as provided by Section 300.3220(g) of this Part.
- o) Any resident transfer or discharge mandated by the physical safety of other residents shall be documented in the resident's medical record as required by Sections 300.3300(d) and (g) of this Part.
- p) Summaries of discussions and explanations of any planned involuntary transfers or discharges shall be included in the medical record of the resident that is to be involuntarily transferred or discharged, as described in Section 300.3300(j) of this Part.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.1860 Staff Responsibility for Medical Records

- a) Each skilled nursing facility shall have a medical records practitioner. ~~(G)~~
- 1) Each skilled nursing facility that has a full-time or part-time medical records practitioner shall designate that employee as the person responsible for ensuring that the facility's medical records are completed, maintained and preserved in accordance with this Subpart. ~~(G)~~
- 2) Each skilled nursing facility that does not have a full-time or part-time practitioner shall designate an employee to be responsible for completing, maintaining and preserving the facility's medical records. This individual shall be trained by, and receive regular consultation from a medical records practitioner in order to meet the requirements contained in this Subpart. ~~(G)~~
- b) Each intermediate care facility that does not have a full-time or part-time medical records practitioner shall designate an employee to be responsible for completing, maintaining and preserving the medical records in accordance with the requirements contained in this Subpart. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.1870 Retention of Facility Records

The facility shall retain the records referenced in this Section for a minimum of three years. ~~(G)~~ It is suggested that the administrator check with legal counsel regarding the advisability of retaining records for a longer period of time, and the procedures to be followed in the event the facility ceases operation. The records for which this requirement applies are as follows:

- a) The annual financial statement described in Section 300.210 of this Part.
- b) The minutes of resident advisory council meetings required by Section 300.640(k) of this Part.
- c) The records of in-service training required by Section 300.650(b)(3) of this Part.
- d) Copies of reports of serious incidents or accidents involving



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.1870(d) (continued)

- residents required by Section 300.690 of this Part.
- e) Records of the emergency medication kit review by the pharmaceutical advisory committee required by Section 300.1610(1)(3) of this Part.
- f) The reports of findings and recommendations from consultants required in Section 300.1880(a) of this Part.
- g) Copies of the quarterly reports for all employees that are filed for Social Security and Unemployment Compensation as required by Section 300.1880(d) of this Part.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.1880 Other Facility Record Requirements

- a) The facility shall maintain a file of reports of findings and recommendations from consultants. Each report shall be dated and indicate each specific date and time the consultant was in the facility. ~~(G)~~
- b) The facility shall complete the Illinois Department of Public Health Annual Long Term Care (LTC) Facility Survey. ~~(G)~~
- c) The facility shall maintain a permanent chronological resident registry showing date of admission, name of resident and date of discharge or death. ~~(G)~~

- d) The facility shall make available to the Department upon request copies of the quarterly reports for all employees that are filed for Social Security and Unemployment Compensation. ~~(G)~~

- e) Rules located in other Sections of this Part that pertain to the content and maintenance of facility records are as follows:

- 1) The facility shall file an annual financial statement as described in Section 300.210 of this Part.
- 2) Records and daily time schedules shall be kept on each employee as set forth in Section 300.650(a) and (b) of this Part.
- 3) The facility shall maintain a controlled substances record as described in Section 300.1650(d) of this Part.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.1880(e) (continued)

- 4) Menu and food purchase records shall be maintained as set forth in Section 300.2080(d) and (f) of this Part.
- 5) The facility shall maintain a file of all reports of serious incidents or accidents involving residents as required by Section 300.690 of this Part.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## SUBPART J: FOOD SERVICE

## Section 300.2010 Director of Food Services

- a) Each facility shall have a full-time person, suited by training and experience, who has been designated by the administrator to be responsible for the total food service operation of the facility. This person shall be on duty a minimum of ~~forty~~ 40 hours each week. (B—~~G~~—)

- 1) This person shall be either a dietitian or a dietetic service supervisor as defined in Section 300.330. (B—~~G~~—)

- 2) The food service supervisor (director) may assume some cooking duties but only if these duties do not interfere with the responsibilities of management and supervision. ~~(G)~~

## b) Consultation

- 1) If the person responsible for food service is not a dietitian, ~~he/she~~ the person shall have frequent and regularly scheduled consultation from a dietitian. This consultation, given in the facility, shall not be less than four ~~44~~ hours each month and shall include consultation and training in all food service procedures such as menu planning and review, food preparation, food storage, food service, safety, sanitation and management of therapeutic diets. In-service education in appropriate subject areas shall be given to all facility staff. ~~(G)~~

- 2) Additional for Skilled Nursing Facilities  
In skilled nursing facilities such consultation shall be given not less than eight ~~48~~ hours per month.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2020 Dietary Staff in Addition to Director of Food Services

There shall be sufficient number of food service personnel employed and on duty to meet the dietary needs of all persons eating meals in the facility. Their working hours shall be scheduled to meet the total dietary needs of the residents. All dietary employees' time schedules and work assignments shall be posted in the kitchen. Dietary duties and job procedures shall be available in the dietary department for employees' knowledge and use. (B-~~6~~)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.2030 Hygiene of Dietary Staff

Food service personnel shall be in good health, shall practice hygienic food handling techniques, and good personal grooming. (B-~~6~~)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.2040 Diet Orders

a) Physicians shall write a diet order, in the medical record, for residents indicating whether the resident is to have a general or a therapeutic diet and the diet shall be served as ordered. A diet order for each resident shall be sent in writing to the food service department for each new admission and for every subsequent change in diet for that resident ordered by his physician. ~~(C)~~

b) A diet order for each resident shall be sent in writing to the food service department. The diet order shall include at a minimum the following information: name of resident, room ~~and/or~~ and bed number, type of diet, date diet order is sent to dietary, name of physician ordering the diet, and the signature of the person transmitting the order to the food service department. (See Section 300.2060 for ordering therapeutic diets.) ~~(C)~~

c) The resident shall be observed to determine acceptance of the diet and these observations shall be recorded in his record. (B-~~6~~)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.2050 Adequacy of Diet and Meal Pattern

The daily food allowance for each resident shall meet the basic food pattern

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2050 (continued)

for a general diet for an adult following the recommendations of the Food and Nutrition Board, National Research Council, and shall include:

a) Milk and Milk Products: Two ~~(2)~~ or more eight ~~(8)~~ ounce servings of Grade A whole or low fat pasteurized milk where milk is used for fluid consumption (See Section 300.2100). Cheese and ice cream may be used to replace part of the milk. The amount of either needed to replace a given amount of milk is figured on the basis of calcium content. The equivalents are as follows:

- 1) One ~~(1)~~ inch cube of cheddar type cheese equals one half ~~(1/2)~~ cup milk
- 2) Two-thirds ~~(2/3)~~ cup cottage cheese equals one half ~~(1/2)~~ cup milk
- 3) One ~~(1)~~ cup ice cream equals one half ~~(1/2)~~ cup milk
- 4) Note: If cheese is used as a serving of milk it may not be also counted as a serving of protein in the Meat Group.

b) Meat Group: Two ~~(2)~~ or more servings of protein food of good quality. The following are examples of one ~~(1)~~ serving:

- 1) Three ~~(3)~~ ounces (excluding bone and fat) of any cooked meat such as whole or ground beef, veal, pork or lamb; poultry; organ meats such as liver, heart, kidney; prepared luncheon meats.
- 2) Three ~~(3)~~ ounces cooked fish or shell fish or one half ~~(1/2)~~ cup canned fish.
- 3) Three ~~(3)~~ ounces of natural or processed cheese or three-fourths ~~(3/4)~~ cup cottage cheese.
- 4) Three ~~(3)~~ eggs (minimum weight 21 ounces per dozen).  
Note: If one egg ~~(1)~~ is served for breakfast, a protein food of good quality may be reduced from six ~~(6)~~ to five ~~(5)~~ ounces for the remaining meals. If two ~~(2)~~ eggs are served for breakfast, a minimum of two ~~(2)~~ ounces of protein of good quality shall be served at each of the remaining meals.
- 5) One ~~(1)~~ cup cooked dried peas or beans or six ~~(6)~~ tablespoons of peanut butter, not more than twice a week and provided eggs, milk or lean meat are served at the same meal.



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2050(b) (continued)

- 6) Combinations of all above examples are acceptable, provided the minimum standard of six ~~(6)~~ ounces of a protein food of good quality is served daily and provided the combinations do not conflict with eye appeal or palatability.
- c) Vegetable and Fruit Group: Four ~~(4)~~ or more one-half ~~(1/2)~~ cup servings of fruits ~~and/or~~ or vegetables. This shall include the following:
- 1) Sources of Vitamin C
    - A) One ~~(1)~~ serving of a good source of Vitamin C (grapefruit, grapefruit juice, orange, orange juice, cantaloupe, raw strawberries, broccoli, brussel sprouts, green peppers, sweet red pepper); or
    - B) Two ~~(2)~~ servings, one ~~(1)~~ cup, of a fair source of Vitamin C (raw cabbage, collards, kale, kohlrabi, mustard greens, potatoes, spinach, tomatoes, tomato juice, turnip greens).
  - 2) One ~~(1)~~ serving of a good source of Vitamin A at least three ~~(3)~~ times weekly (apricots, broccoli, cantaloupe, carrots, chard, collards, kale, persimmon, pumpkin, spinach, sweet potato, turnip greens and other dark green leaves, winter squash).
  - 3) Other Fruits or Vegetables including Potatoes.
  - 4) To insure variety, any vegetable or fruit repeated for the day shall not be counted as one of the four ~~(4)~~ servings required in this group.
  - d) Bread and Cereal Group: Four ~~(4)~~ or more servings of whole grain, enriched or restored. One ~~(1)~~ slice bread equals one ~~(1)~~ serving. One-half ~~(1/2)~~ cup cooked cereal or three-fourths ~~(3/4)~~ cup dry cereal equals one ~~(1)~~ serving.
  - e) Butter or Margarine: Two ~~(2)~~ tablespoons or more to be used as a spread and in cooking.
  - f) Other Foods: Serve other foods as necessary to round out meals, satisfy individual appetites, improve flavor, and meet the individual's nutritional and caloric needs. Snacks may also be used for this purpose.

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2050 (continued)

- g) Meal Pattern: Foods for the day shall be planned to provide a variety of foods, variety in texture and good color balance to give "eye appeal" to the meal. The following meal patterns shall be used.
- 1) Three Meals A Day Plan
    - A) Breakfast: Fruit or Juice, Cereal, Meat (optional, but three-four times per week preferable), Bread, Butter or Margarine, Milk, and Choice of additional Beverage.
    - B) Main Meal (May be served noon or evening): Soup or Juice (optional), Entree (quality protein), Potato or potato substitute, Vegetable ~~and/or~~ or Salad, Dessert (Preferably fruit unless fruit is served as a salad or will be served at other meal ~~(Lunch or Supper)~~), Bread, Butter or Margarine, and Choice of Beverage.
    - C) Lunch or Supper: Soup or Juice (optional), Entree (quality protein), Potato or potato substitute (Optional if served at main meal), Vegetable ~~and/or~~ or Salad, Dessert, Bread, Butter or Margarine, Milk, and Choice of additional Beverage.
  - 2) Four Meals A Day Plan
    - A) Breakfast (7:00 or 7:30 A.M.): Juice, Cereal, Toast or Roll, Butter or Margarine, Milk, and Choice of additional Beverage.
    - B) Brunch (10:00 or 10:30 A.M.): Fruit or Juice; Main Dish (quality protein); Bread, Rolls or Special Breads (such as French Toast, Pancakes); Butter or Margarine; and Choice of Beverage.
    - C) Full Dinner (4:00 or 4:30 P.M.): Appetizer or Soup Protein Entree, Potato or Potato Substitute, Vegetable, Salad, Dessert, Bread or Roll, Butter or Margarine, Milk, and Choice of additional Beverage.
    - D) Evening Meal (7:00 or 7:30 P.M.): Quality protein, Bread or Bread Substitute, Dessert, and Nourishing Beverage.
  - 3) Five Meal-A-Day Plan
    - A) Continental Breakfast (7:00 or 7:30 A.M.): Fruit Juice,



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2050(g)(3)(A) (continued)

- Toast or Roll, Butter or Margarine, and Beverage.
- B) Brunch (10:00 or 10:30 A.M.): Fruit or Juice, Cereal, Eggs ~~and/or~~ or Meat Dish, Bread or Muffin or Special Toast, Butter or Margarine, Milk, and Choice of additional Beverage.
- C) Midday Meal (1:00 or 1:30 P.M.): Quality Protein, Bread or Bread Substitute, Butter or Margarine, Dessert, Nourishing Beverage, and Soup (Optional).
- D) Dinner (4:00 or 4:30 P.M.): Meat, Fish or Poultry; Potato or Potato Substitute; Vegetable; Salad; Bread or Roll; Butter or Margarine; Dessert; Milk; and Choice of additional Beverage.
- E) Evening Meal (7:00 or 7:30 P.M.): Quality Protein, Bread or Bread Substitute, Dessert, and Nourishing Beverage.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.2060 Therapeutic Diets

- a) The diet order (see Section 300.2040(b)) shall include, but is not limited to, the following information: name of resident, room ~~and/or~~ and bed number, type of diet, date diet order is sent to dietary, name of physician ordering the diet, and the signature of the person transmitting the order to the food service department. ~~(C)~~
- b) Medically prescribed diets shall be recorded in the resident's medical record and served as ordered. The resident shall be observed to determine acceptance of the diet and these observations shall be recorded in his record. ~~(B, C)~~
- c) The kinds and variations of these prescribed therapeutic diets shall be available in the kitchen. If separate menus are not planned for each specific diet, diet information for each specific type shall be posted in the kitchen. ~~(C)~~
- d) All oral therapeutic diets, with the exception of liquid and medical soft diets, shall be reviewed at least every three months. Liquid diets shall be reviewed every ~~forty-eight~~ ~~(48)~~ hours; medical soft diets shall be reviewed every three ~~(3)~~ weeks. This review

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2060(d) (continued)

may be done by nursing personnel with recommendations to the attending physician. ~~(B, C)~~

- e) The facility shall have available, and in use, two ~~(2)~~ or more copies of a current diet manual approved by the Department. One copy shall be located in the kitchen for use by dietary personnel; other copies shall be located at each nurses' station for available use by the physician when prescribing diets. ~~(C)~~
- f) All special diets or dietary restrictions shall be medically prescribed and shall be planned or approved by a dietitian or nutritionist. ~~(B, C)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.2070 Scheduling Meals

- a) A minimum of three ~~(3)~~ meals or their equivalent shall be served daily at regular times with no more than a ~~fourteen~~ ~~(14)~~ hour span between a substantial evening meal and breakfast. The ~~fourteen~~ ~~(14)~~ hour span shall not apply to facilities using the "four or five meal-a-day" plan, provided the evening meal is substantial and includes, but is not limited to, a good quality protein, bread or bread substitute, butter or margarine, a dessert and a nourishing beverage. ~~(B, C)~~
- b) Between meals ~~and/or~~ or bedtime snacks of nourishing quality shall be offered. (B)
- c) If a resident refuses food served, reasonable and nutritionally appropriate substitutes shall be served. ~~(B, C)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.2080 Menu Planning

- a) Menus, including menus for "sack" lunches and between meal ~~and/or~~ or bedtime snacks, shall be planned at least one ~~(1)~~ week in advance. Food sufficient to meet the nutritional needs of all the residents shall be prepared for each meal. When changes in the menu are necessary, substitutions shall provide equal nutritive value and shall be recorded on the original menu, or in a notebook marked "Substitutions" that is kept in the kitchen. If a notebook is used



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.2080(a) (continued)

to document substitutions, it shall include the date of the substitution ~~(a)~~; the meal at which the substitution ~~(a)~~ was ~~(were)~~ made; the menu as originally written; and the menu as actually served. (B-~~G~~)

- b) The menu for the current week shall be dated and posted. Upon the request of the Department, sample menus shall be submitted for evaluation. ~~(G)~~
- c) Menus shall be different for the same day of consecutive weeks. ~~(G)~~
- d) All menus as actually served shall be kept on file for not less than ~~thirty (30)~~ days. ~~(G)~~
- e) Supplies of staple foods for a minimum of a one ~~(1)~~ week period and of perishable foods for a minimum of a two ~~(2)~~ day period shall be maintained on the premises. Supplies shall be appropriate to meet the requirements of the menu. ~~(G)~~
- f) Records of all food purchased shall be kept on file for not less than ~~thirty (30)~~ days. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.2090 Food Preparation and Service

- a) Foods shall be prepared by appropriate methods that will conserve their nutritive value, enhance their flavor and appearance. They shall be prepared according to standardized recipes and a file of such recipes shall be available for the cook's use. ~~(G)~~
- b) Foods shall be attractively served at the proper temperatures and in a form to meet individual needs. (B-~~G~~)
- c) All residents shall be served in a dining room or multi-purpose room except for an individual with a temporary illness, who is too ill, or for other valid reasons. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.2100 Food Handling Sanitation

Every facility shall comply with ~~the latest edition of~~ the Department's rules entitled "Food Service Sanitation" ~~rules~~ (77 Ill. Adm. Code 750).

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.2110 Kitchen Equipment, Utensils, and Supplies

The kitchen or dietary area shall be adequate to meet the food service needs. It shall have adequate equipment, utensils, and supplies to properly store, prepare, and serve the required number of meals in accordance with the ~~latest edition of the~~ Department's rules entitled "Food Service Sanitation" (77 Ill. Adm. Code 750). This shall include, but is not limited to, the following: (B-~~G~~)

- a) Each kitchen and floor pantry, or subkitchen, in each building shall be equipped with facilities to: maintain required food temperatures during storage, preparation and service; provide protection of cooking equipment and utensils from contamination; and prepare the planned meals. New or replacement equipment shall be of satisfactory institutional type based on generally accepted standards. ~~(G)~~
- b) There shall be an adequate supply of food preparation equipment such as pots, pans, spoons, knives, and mixers ~~etc.~~, of the proper type to satisfactorily prepare the meals. ~~(G)~~
- c) There shall be proper equipment to maintain food temperatures during service to residents. This equipment may be in the form of heated food carts, insulated food containers, or suitable equivalent. (B-~~G~~)
- d) Each facility shall provide an adequate number of dishes, glassware, and silverware of a satisfactory type to serve all the residents in the facility at each meal. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

## Section 300.2210 Maintenance

- a) Every facility shall have an effective written plan for maintenance, including sufficient staff, appropriate equipment, and adequate supplies.



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2210 (continued)

- b) Each facility shall: (B-~~7~~-C-)
- 1) Maintain the building in good repair and free of the following: cracks in floors, walls, or ceilings; peeling wallpaper or paint; warped or loose boards; warped, broken, loose, or cracked floor covering, such as tile or linoleum; loose handrails or railings; loose or broken window panes; and any other similar hazards. (B-~~7~~-C-)
  - 2) Maintain all electrical, signaling, mechanical, water supply, heating, fire protection, and sewage disposal systems in safe, clean and functioning condition. This shall include regular inspections of these systems. (A, B-~~7~~-C-)
  - 3) Maintain all electrical cords and appliances in a safe and functioning condition. (B-~~7~~-C-)
  - 4) Maintain the interior and exterior finishes of the building as needed to keep it attractive and clean and safe (painting, washing, and other types of maintenance ~~etc.~~) (C-)
  - 5) Maintain all furniture and furnishings in a clean, attractive, and safely repaired condition. (C-)
  - 6) Maintain the grounds and other buildings on the grounds in a safe, sanitary and presentable condition. (B-~~7~~-C-)
  - 7) Maintain the grounds free from refuse, litter, insect and rodent breeding areas. (C-)
  - 8) The building and grounds shall be kept free of any possible infestations of insects and rodents by eliminating sites of breeding and harborage inside and outside the building; eliminating sites of entry into the building with screens of not less than 16 mesh screen to the inch and repair of any breaks in construction. (B-~~7~~-C-)
  - 9) Maintain all plumbing fixtures and piping in good repair and properly functioning. (B-~~7~~-C-)
  - 10) Protect the potable water supply from contamination by providing and properly installing adequate, backflow protection devices or providing adequate air gaps on all fixtures that may be subject to backflow or back siphonage.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2220 Housekeeping

- a) Every facility shall have an effective plan for housekeeping including sufficient staff, appropriate equipment, and adequate supplies. Each facility shall: (B-~~7~~-C-)
- 1) Keep the building in a clean, safe, and orderly condition. This includes all rooms, corridors, attics, basements, and storage areas. (B-~~7~~-C-)
  - 2) Keep floors clean, as nonslip as possible, and free from tripping hazards including throw or scatter rugs. (C-)
  - 3) Control odors within the housekeeping staff's areas of responsibility by effective cleaning procedures and by the proper use of ventilation systems. Deodorants shall not be used to cover up persistent odors caused by unsanitary conditions or poor housekeeping practices. (C-)
  - b) Attics, basements, stairways, and similar areas shall be kept free of accumulations of refuse, discarded furniture, old newspapers, boxes, discarded equipment, and other items. (B-~~7~~-C-)
  - c) Bathtubs, shower stalls, ~~and/or~~ and lavatories shall not be used for laundering, janitorial, or storage purposes. (C-)
  - d) All cleaning compounds, insecticides, and all other potentially hazardous compounds or agents shall be stored in locked cabinets or rooms. (B-~~7~~-C-)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.2230 Laundry Services

- a) Every facility shall have an effective means of supplying an adequate amount of clean linen for operation, either thru an in-house laundry or a contract with an outside service.
- 1) An adequate supply of clean linen shall be defined as the three sets of sheets, draw sheets, pillow cases, etc. required to provide for the residents' needs. Additional changes of linen may be required in consideration of the time involved for laundering and transporting soiled linens. (C-)
  - 2) If an in-house laundry service is provided then the following conditions shall exist:



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2230(a)(2) (continued)

- A) The laundry area shall be maintained and operated in a clean, safe and sanitary manner. ~~(C)~~
- B) Written operating procedures shall be developed, posted and implemented which provide for the handling, transport and storage of clean and soiled linens. ~~(C)~~
- C) Laundry personnel must be in good health and practice good personal grooming. Employees must thoroughly wash their hands and exposed portions of their arms with soap and warm water before starting work, during work as often as necessary to keep them clean and after smoking, eating, drinking, using the toilet and handling soiled linens. ~~(C)~~
- D) Clean linen shall be protected from contamination during handling, transport and storage. ~~(C)~~
- E) Soiled linen shall be handled, transported and stored in a manner that protects facility residents and personnel. ~~(C)~~
- F) The laundry and its accessory storage and handling areas shall not be used as a storage area for supplies not directly connected with the operation of the laundry. ~~(C)~~
- b) If an outside laundry service is used it shall comply with the requirements of in-house laundries and, in addition, shall provide for protection of clean linens during transport back to the facility. ~~(C)~~
- c) If the facility provides laundry service for resident's personal clothing it must be handled, transported and stored in a manner that will not allow contamination of clean linen or allow contamination by soiled linen. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

## Section 300.2410 Furnishings

- a) Each resident shall be provided with a separate bed suitable to meet the needs of the resident. Each bed shall be at least ~~thirty-six~~

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2410(a) (continued)

- ~~(C)~~ ~~36~~ inches wide, have a headboard ~~and footboard~~, be of sturdy construction and in good repair. A double bed shall be provided for married couples, if they request this arrangement, and there are no medical contraindications. ~~(C)~~
- b) Each bed shall be provided with satisfactory type springs in good repair and a clean, firm, comfortable mattress of appropriate size for the bed. ~~(C)~~
- c) Each bedroom shall have window shades, or equivalent, in good repair. ~~(C)~~
- d) A satisfactory reading lamp, or equivalent, shall be provided for each bed. ~~(C)~~
- e) Pillows
  - 1) Each bed shall be provided with a minimum of one ~~(1)~~ clean, comfortable pillow. ~~(C)~~
  - 2) There shall be additional pillows available in the home to satisfactorily serve the needs of the residents. ~~(C)~~
- f) Each bedroom shall be provided with a mirror, unless there is a mirror in a bathroom opening into this bedroom. Each lavatory shall be provided with a mirror. ~~(C)~~
- g) Each living room for residents use shall be provided with an adequate number of reading lamps, tables, and chairs or settees. These furnishings shall be well constructed and of satisfactory design for the residents. ~~(C)~~
- h) Dining room furnishings shall be provided for each resident which are well constructed, comfortable, in good repair, and of satisfactory design for the residents. There shall be a sufficient number of tables, of a type that can be used by wheelchair residents, to accommodate all such residents in the facility. ~~(C)~~
- i) Office spaces, nurses' stations, treatment rooms, and other areas shall be satisfactorily furnished with desks, chairs, lamps, cabinets, benches, work tables, ~~and/or~~ and other furnishings essential to the proper use of the area. ~~(C)~~
- j) For each bed there shall be furnished:
  - 1) A minimum of two ~~(2)~~ adequately sized dresser drawers. ~~(C)~~



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2410(j) (continued)

- 2) A comfortable chair. ~~(G)~~
- 3) An individual towel rack. ~~(G)~~
- 4) A satisfactory reading light over, or at the side of, the bed. ~~(G)~~
- 5) Adequate closet, locker, or wardrobe space for hanging clothing within the room. ~~(G)~~
- 6) A satisfactory bedside cabinet. ~~(G)~~
- k) A sufficient number of tables that can be either rolled over the resident's bed or that can be placed next to bed shall be provided to serve every resident who cannot, or does not, eat in a dining room or area. ~~(G)~~
- l) Provide proper storage in each resident's room, either within the bedside cabinet or in a separate cabinet, for individual equipment such as an emesis basin, bedpan, urinal, washbasin. Such storage need not be provided in the resident's room if it is satisfactorily provided in a connecting bath or toilet room. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.2420 Equipment and Supplies

## a) Equipment

- 1) The facility shall have a supply of thermometers, emesis basins, ice bags, hot water bottles or equivalent, bedpans, urinals, and sets of enema equipment, sufficient to meet the needs of its residents. ~~(B-G)~~
- 2) If the facility has residents who need the services of a suction machine, a sufficient quantity of such machines shall be provided to meet the needs of all such residents. ~~(B-G)~~

## b) Bedside Screens and Cubicle Curtains

- 1) There shall be at least one ~~(1)~~ bedside screen available in the facility for each ~~fifty~~ ~~(50)~~ beds or major fraction thereof in multiple bedrooms to provide residents' privacy when needed. ~~(G)~~

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2420(b) (continued)

- 2) There shall be cubicle curtains to provide privacy to each resident in multiple bedrooms. If cubicle curtains are not provided an adequate supply of bedside screens shall be provided for the same purpose.
- c) There shall be a sufficient supply of linen and bedding in good condition to provide proper care and comfort to the residents. ~~(B-G)~~
- d) There shall be a first-aid kit or emergency box in every facility. This shall contain bandages, sterile gauze, dressing, bandage scissors, tape, sling, burn ointment, and other equipment deemed necessary by the advisory physician or the medical advisory committee.
- e) Activity program supplies shall be provided to maintain an ongoing program to meet the varied interests and needs of the residents. These shall include, but are not limited to, games, craft supplies, current magazines, books, radio, television, and record player. A piano or organ is recommended as an important adjunct to the activity program equipment. ~~(G)~~
- f) Dishes and kitchen equipment shall be provided as set forth in Section 300.2100. ~~(G)~~
- g) Cleaning equipment and supplies shall be provided as set forth in Sections 300.2210 through 300.2220. ~~(G)~~
- h) Each resident shall have a satisfactory nurse call device. (See Sections 300.2940(g) and 300.3140(e).)
- i) There shall be special equipment, implements, or utensils provided to residents as needed to assist them when eating. ~~(B-G)~~
- j) There shall be a sufficient quantity of resident care equipment of satisfactory design and in good condition to carry out established resident care procedures. This shall include at a minimum the following: wheelchairs with brakes, walkers, metal bedside rails, bedpans, urinals, emesis basins, wash basins, footstools, metal commodes, over the lap tables, foot cradles, footboards, under the mattress bed boards, trapeze frames, transfer boards, parallel bars, and reciprocal pulleys. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

Section 300.2430 Sterilization of Equipment and Supplies

a) Every facility shall follow an acceptable plan to provide for sterile equipment and supplies, such as needles, syringes, catheters, and dressing. There shall be an autoclave available for sterilizing this type of equipment and supplies. The autoclave should be located in a central sterilization area, or clean utility area. It may be located at the nurses' station. An autoclave will not be required in a facility when other acceptable arrangements have been made, such as: (A, B, ~~C~~)

1) Use of individually wrapped sterile dressings, disposable syringes, needles, catheters, and gloves ~~etc.~~ which shall be disposed of after a single use.

2) Formal plan with another facility for the autoclaving of equipment and supplies.

3) Other alternative methods when approved on an individual basis in writing from the Department based on a written request from the facility giving in detail the method proposed to be used and which method meets equivalent criteria for proper sterilization for these items to be sterilized.

b) Every facility shall sanitize bed pans, urinals, wash basins, emesis basins, enema equipment, and similar patient ~~type nursing~~ care utensils as follows:

1) Individual bed pans, urinals, wash basins, and similar equipment shall be washed and rinsed after each use, and be sanitized at least weekly ~~periodically while the patient is in the facility~~. If individual equipment is not provided, the equipment shall be washed, rinsed, and sanitized after each use. (B)

2) Utensils shall be pre-flushed prior to washing. Utensils shall be washed in a hot detergent solution that is maintained clean. After washing, utensils shall be rinsed free of detergents with clean water.

3) Utensils shall be sanitized, either mechanically or manually, through the use of steam, hot water, or chemicals approved by the U.S. Environmental Protection Agency and formulated for the sanitization of patient care utensils. Chemical sanitizers shall be used in accordance with label instructions ~~in a~~ ~~utensil sanitizer~~.

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

Section 300.2430(b) (continued)

- 4) Patient care utensil sanitation shall be completed ~~this~~ ~~procedure shall be done~~ in the ~~a~~ soiled utility room. (B)
- 3) Sanitization may be approved other than in a utensil sterilizer. Such approval shall be on an individual basis in writing from the Department based on a written request from the facility giving in detail the method proposed to be used and which method meets equivalent criteria for proper sanitization of the items to be sanitized.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

Section 300.2610 Codes

Water supply, sewage disposal and plumbing systems shall comply with all applicable State and local codes and ordinances. (B, ~~C~~)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

Section 300.2620 Water Supply

a) Each facility shall be served by water from a municipal public water supply when available. (B, ~~C~~)

b) When a municipal public water supply is not available, the water supply shall comply with the Department's rules entitled "Rules for Drinking Water Systems," (77 Ill. Adm. Code 900) ~~as amended~~. (B, ~~C~~)

c) ~~1)~~ If water is supplied by a well that is not part of a municipal system, the well shall be constructed and maintained in accordance with the Department's rules entitled "Illinois Water Well Construction Code" (77 Ill. Adm. Code 920) and "Water Well Pump Installation Code" (77 Ill. Adm. Code 925).

d) ~~2)~~ Each facility shall have a written agreement with a water company, dairy, or other water purveyor to provide an emergency supply of potable water for drinking and culinary purposes.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2630 Sewage Disposal

- a) All sewage and liquid wastes shall be discharged into a public sewage system when available. (B, ~~C~~)
- b) When a public sewage system is not available, sewage and liquid wastes shall be collected, treated, and disposed of in a private sewage disposal system. The design, construction, maintenance, and operation of the system shall comply with the Department's rules entitled "Private Sewage Disposal ~~Licensing Act and Code~~" (77 Ill. Adm. Code 905) ~~as amended~~. (B, ~~C~~)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.2640 Plumbing

Each plumbing system shall comply with the Department's rules entitled "Illinois ~~State~~ Plumbing Code" (77 Ill. Adm. Code 890) ~~and the rules and regulations promulgated thereunder effective at the time of construction and/or~~ or approved acceptance by the Department. (C)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS  
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

## Section 300.2810 Applicability of these Standards

a) Applicability of New Construction Requirements

- 1) These standards shall apply to all new Long-Term Care Facilities and major alterations and additions to existing Long-Term Care Facilities. (Major alterations are those that are not defined as minor alterations in subsection (f) of this Section ~~herein~~.) Long-Term Care Facilities contemplating construction shall contact the Health Facilities Planning Board for information concerning the current requirements.

- 2) Projects for which working drawings and specifications have received final approval by the Department prior to the promulgation of these Standards will only be required to meet those Standards that were in effect at the time that the final approval was given.

- b) When construction is contemplated, either for new buildings or additions or major alterations to existing buildings coming within

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.2810(b) (continued)

the scope of these standards, design development drawings and outline specifications shall be submitted to the Department for review. Approval of design development drawings and specifications shall be obtained from the Department prior to starting final working drawings and specifications. Such approval will be based upon compliance with Section 300.2830. Comments or approval will be provided within ~~thirty (30)~~ days of receipt by the Department. (C)

- c) The final working drawings and specifications shall be submitted to the Department for review and approval prior to beginning of construction. For final approval to remain valid, contracts must be signed within one ~~(1)~~ year of the date of final approval. Alternate methods of design development and construction such as fast track shall be acceptable if equivalency can be proved. Comments of approval will be provided within ~~thirty (30)~~ days of receipt by the Department. (C)
- d) Any contract modifications which affect or change the function, design, or purpose of a facility shall be submitted to the Department for approval prior to authorizing the modifications. Such approval will be based upon compliance with Section 300.2830. Comments or approval will be provided within ~~thirty (30)~~ days of receipt by the Department. (C)
- e) The Department shall be notified at least ~~thirty (30)~~ days before construction has been completed. The Department will then complete a final inspection. Deficiencies noted during the final inspection must be completed before occupancy will be allowed. (C)
- f) Minor alterations or remodeling changes which do not affect the structural integrity of the building, which do not change functional operation, which do not affect fire safety, and which do not add beds or facilities over those for which the Long-Term Care Facility is licensed need not be submitted for drawing approval. However, the Health Facilities Planning Board requirements must be met for all alterations and remodeling projects. (C)
- g) No system of water supply, plumbing, sewage, garbage or refuse disposal shall be installed, nor any such existing system materially altered or extended until complete plans and specifications for the installation, alteration or extension have been submitted to the Department and have been reviewed and approved. Such approval will be based upon compliance with Section 300.2820. (C)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.2820 Codes and Standards

a) Each facility shall comply with the applicable provisions of the following codes and standards. Any incorporation by reference in this Section of the rules or regulations of any Agency of the United States or of any standards of a nationally recognized organization or association includes no new amendments or editions made after the date specified. (A, B, C)

- 1) State of Illinois Rules ~~Codes and Standards~~  
~~Code or Standards Agency~~
  - A) Illinois ~~Ill~~ Plumbing Code ~~(1983)~~ (77 Ill. Adm. Code 890) ~~Department of Public Health (IDPH) Environmental Health Protection~~
  - B) Illinois Accessibility Code ~~Standards Illustrated (as amended March 1981)~~ (71 Ill. Adm. Code 400) ~~Capital Development Board~~
  - C) Fire Prevention and Safety ~~1983~~ (41 Ill. Adm. Code 100) ~~Office of the State Fire Marshal~~
  - D) Food Service Sanitation ~~1983~~ (77 Ill. Adm. Code 750) ~~Department of Public Health Environmental Health Protection~~
  - E) ~~Boiler and Pressure Vessel Safety Act (Ill. Rev. Stat. 1983, ch. 111 1/2, par. 3201 et seq.) and Boiler and Pressure Vessel Safety Code Rules and Regulations 1984 (41 Ill. Adm. Code 120) Office of the State Fire Marshal~~
  - F) ~~State of Illinois Safety Glazing Materials Act, (Ill. Rev. Stat. 1983, ch. 111 1/2, par. 3101 et seq.)~~
- 2) Other Codes and References ~~Codes or Standards Agency~~
  - A) National Fire Protection Association  
~~National Fire Protection Association~~
    - 1) NFPA 101 Life Safety Code 1981 Edition (New Health Care Occupancies) and all appropriate references under Appendix "B", including but not limited to:
    - 11) NFPA 10 1978, Standard for Portable Extinguishers

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.2820(a)(2)(A) (continued)

- iii) NFPA 13 1980, Standards for the Installation of Sprinkler Systems
- iv) NFPA 56F 1977, Standard for Non-Flammable Medical Gas Systems
- v) NFPA 70 1981, National Electric Code
- vi) NFPA 90A 1978, Standard for the Installation of Air Conditioning and Ventilating Systems
- vii) NFPA 96 1980, Standard for the Installation of Equipment for the Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment
- viii) NFPA 220 1979, Standard Types of Building Construction
- ix) NFPA 253 1978, Flooring Radiant Heat Energy Test
- x) NFPA 255 1972, Test of Surface Burning Characteristics of Building Materials
- B) Underwriters' Laboratory, Inc. (UL)  
~~Underwriters' Laboratories, Inc.~~
  - i) Fire Resistance Index (date) (All Editions)
  - ii) Building Material Directory (All Editions)
  - iii) Standard No. 181-1974 Factory Made Air Duct Materials and Air Duct Connectors
- C) American Society for Testing and Materials (ASTM)  
~~American Society for Testing and Materials~~
  - i) Standard No. E-84-1977A, Method of Test for Surface Burning Characteristics of Building Materials (Same as NFPA 255)
  - ii) Standard No. E90-1975, Recommended Practice for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions
- D) American Society of Heating, Refrigerating and Air



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2820(a)(2)(D) (continued)

Conditioning ~~American Society of Heating, Refrigerating, and Air Conditioning~~

i) Handbook of Fundamentals, 1977

ii) Standard No. 52-76 Methods of Testing Air Cleaning Devices Used in General Ventilation for Removing Particulate Matters

E) Uniform Building Code (1982 Edition), International Conference of Building Officials

F) Standard No. A117.1-1971, Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped, American National Standards Institute

G) Standard No. A17.1-1971, National Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Stairs, American National Standards Institute

H) Pamphlet P-2.1-1976, Standard for Medical/Surgical Vacuum Systems in Hospitals, Compressed Gas Association

~~I) Public Health Service—  
Publication No. 934—  
Food Service—  
Sanitation Manual~~  
~~Superintendent of  
Documents—U.S.  
Government Printing  
Office~~

~~I) ~~J)~~ HUD FT-24, A Guide to Air Borne, Impact and Structure Borne Noise Control in Multi-Family Dwellings, Superintendent of Documents, U.S. Government Printing Office~~

b) In addition to compliance with the Standards set forth in this Section ~~herein~~, all building codes, ordinances and regulations which are enforced by City, County or other local jurisdictions in which the facility is, or will be located must be observed. (A, B—~~G~~)

c) Where no local building code exists, the recommendations of the 1976 Edition of the Uniform Building Code shall apply. ~~(G)~~

d) The local building code or the recommendations of the 1982 Edition of the Uniform Building Code shall apply insofar as such recommendations are not in conflict with these standards set forth in these

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2820(d) (continued)

regulations, or with the National Fire Protection Association Code 101, Life Safety Code, 1981. ~~(G)~~

e) The Fire Safety Evaluation System for Health Occupancies (Appendix C) of the 1981 edition of the Life Safety Code (NFPA 101) shall be used by the Department in determining whether any facility's proposed equivalent system is safe and does not constitute a hazard to the life and safety of the staff and residents. In making its determination regarding the proposed equivalent system, the Department shall consider those factors listed in Appendix C.

f) Pursuant to the Medicare-Medicaid certification requirements of 42 CFR 405.1134 (a) (1983) and 42 CFR 442.321(c) (1983), any skilled nursing facility that on December 4, 1980, or on November 26, 1982, or any intermediate care facility that on November 26, 1982, complied with the requirements of the 1967 or 1973 edition of the Life Safety Code will be considered to be in compliance with Section 300.2820 (a)(2)(A)(i), as long as the facility continues to remain in compliance with that edition of the Code.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.2830 Preparation of Drawings and Specifications

a) The preparation of drawings and specifications shall be executed by or be under the immediate supervision of an architect registered in the State of Illinois: ~~(G)~~

b) The first submission shall be the design development drawings indicating in detail the assignment of all spaces, size or areas and rooms, and indicating in outline, the fixed and movable equipment and furniture, and the outline specifications. ~~(G)~~

c) The plans shall be drawn at a scale sufficiently large to clearly present the proposed design. ~~(G)~~

d) The drawings shall include: ~~(G)~~

1) a plan of each floor including the basement or ground floor,

2) roof plan,

3) plot plan showing roads, parking areas, and sidewalks, ~~etc.,~~



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2830(d) (continued)

- 4) elevations of all facades,
- 5) sections through the building,
- 6) identification of all fire and smoke compartmentation.
- e) Outline specifications shall provide a general description of the construction including finishes; acoustical material, floor covering; heating and ventilating systems; description of the electrical system including the emergency electrical system and the type of elevators.
- f) The total gross floor area and bed count shall be shown on the drawings.
- g) A brief narrative of the proposed program shall be submitted with the preliminary drawings and outline specifications. ~~(G)~~
- h) Following approval of the design development drawings and the outline specifications, working drawings and specifications shall be submitted. All working drawings shall be well prepared and clean and distinct prints shall be submitted. Drawings shall be accurately dimensioned and include all necessary explanatory notes, schedules and legends. Working drawings shall be complete and adequate for contract purposes. Working drawings shall be prepared for each of the following branches of work: Architectural, Structural, Mechanical, Electrical and Plumbing. ~~(G)~~

## 1) The architectural drawings shall show:

- A) Site plan showing all topography, newly established levels and grades, existing structures on the site (if any), new buildings and structures, roadways, walks, and the extent of the areas to be landscaped. All structures which are to be removed under the construction contract shall be shown. ~~(G)~~
- B) Plan of each floor and roof. ~~(G)~~
- C) Elevation of each facade. ~~(G)~~
- D) Sections through building. ~~(G)~~
- E) Elevators and dumbwaiters drawings delineating shaft details and dimensions, sizes of cab platforms and doors, travel distances including elevation height of landings,

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2830(h)(1)(E) (continued)

- plf sizes, and machine rooms. ~~(G)~~
- F) Kitchen, laundry, clean and soiled utility room, special care areas, and similar areas detailed at a scale to show the locations, type, size and connection of all fixed and movable equipment. ~~(G)~~
- G) Scale details as necessary at a scale sufficiently large to properly indicate details of the work. ~~(G)~~
- H) Schedule of finishes. ~~(G)~~
- 2) The structural drawings shall show:
  - A) Plans of foundations, floors, roofs and all intermediate levels shall show the complete design with sizes, sections, and the relative location of the various members including: ~~(G)~~
  - B) Schedule of beams, girders and columns. ~~(G)~~
  - C) Notes on design data including the name of the governing building code, values of allowable unit stresses, assumed live loads, wind loads, earthquake load, and soil bearing pressures. ~~(G)~~
  - D) Details of special connections, openings, pipe sleeves and expansion joints. ~~(G)~~
  - E) Special structures shall include calculations defining load assumption, shear and moment diagrams and horizontal and vertical reactions. ~~(G)~~
- 3) Mechanical drawings with specifications shall show the complete heating, cooling and ventilation systems; plumbing, drainage, stand pipe, and sprinkler systems. ~~(G)~~
  - A) Heating, Cooling and Ventilation.
    - 1) Pumps, tanks, boilers and piping and boiler room accessories.
    - 11) Air conditioning systems with required equipment, water and refrigerant piping, and ducts. ~~(G)~~



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2830(h)(3)(A) (continued)

- 111) Supply and exhaust ventilating systems with connections and piping. ~~(C)~~
- iv) Air quantities for all rooms including supply and exhaust ventilating duct openings.
- B) Plumbing, Drainage and Stand Pipe Systems.
  - i) Size and elevation of: street sewer, house sewer, house drains, street water main and water service into the building. ~~(C)~~
  - 11) Location and size of soil, waste, and vent stacks with connections to house drains, cleanouts, fixtures and equipment. ~~(C)~~
  - 111) Size and location of hot, cold and circulating mains, branches, and risers from the service entrance, and tanks. ~~(C)~~
  - iv) Riser diagram of all plumbing stacks with vents, water risers and fixture connections. ~~(C)~~
  - v) Gas, oxygen and similar piped systems.
  - vi) Stand pipe and sprinkler systems.
  - vii) All fixtures and equipment that require water and drain connections. ~~(C)~~
- 4) Electrical drawings shall show all electrical wiring, outlets, and equipment which require electrical connections.
  - A) Electrical service entrance with switches and feeders to the public service feeders, characteristics of the light and power current, transformers and their connections. ~~(C)~~
  - B) Location of main switchboard, power panels, light panels and equipment. Feeder and conduit sizes shall be shown with schedule of feeder breakers or switches. ~~(C)~~
  - C) Light outlets, receptacles, switches, power outlets, and circuits. ~~(C)~~
  - D) Telephone layout showing service entrance, telephone

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2830(h)(4)(D) (continued)

- switchboard, strip boxes, telephone outlets and branch conduits as approved by the telephone company. Where public telephones are used for inter-communication, provide separate room and conduits for racks and automatic switching equipment as required by the telephone company. ~~(C)~~
- E) Nurses' call systems with outlets for beds, duty stations, corridor signal lights, annunciators and wiring diagrams. ~~(C)~~
- F) Fire alarm system with stations, signal devices, control board and wiring diagrams. ~~(C)~~
- G) Emergency electrical system with outlets, transfer switch, source of supply, feeders, and circuits. ~~(C)~~
- H) All other electrically operated systems and equipment. ~~(C)~~
- 5) When the project is an addition, details and information on the existing building shall be provided as follows:
  - A) Type of activities within the existing building and distribution of existing beds. ~~(C)~~
  - B) Type of construction of existing building and number of stories in height. ~~(C)~~
  - C) Plans and details showing attachment of new construction to the existing structure. ~~(C)~~
  - D) Mechanical and Electrical systems showing connections to the existing system. ~~(C)~~
  - E) The Department may require submission of drawings of all or any part of the existing structure, depending upon the extent of the modification. ~~(C)~~
  - 6) Specifications shall supplement the drawings and shall: Describe, except where fully indicated and described on the drawings, the materials, workmanship, kind, sizes, capacities, finishes, and other characteristics of all materials, products, articles and devices.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2840 Site

- a) The facility shall be located on a reasonably flat or rolling, well drained site that is not subject to flooding; reasonably free from sources of excessive noise, noxious or hazardous smoke or fumes; not in deteriorated, unpleasant, or potentially hazardous area; and not near uncontrolled sources of insect and rodent breeding. ~~(G)~~
- b) The facility shall be located so that the building or buildings can comply with all applicable local zoning ordinances, building restrictions and fire safety requirements. The Department may have additional requirements if the proposed locations of the building or buildings on the site would result in a hazard to or be detrimental to the health, welfare, or safety of the residents in the facility. These additional requirements shall include, but are not limited to fences, stairs, and other types of barriers to prevent residents from injury. ~~(G)~~
- c) The facility shall be served by a potable water supply with water pressure and volume that is acceptable to the Department. ~~(B, G)~~
- d) The distance from the fire station, the accessibility of the facility, and capability of the fire department must be approved in writing by the Office of the State Fire Marshal. ~~(B, G)~~
- e) The facility shall have at least one ~~(1)~~ municipal or private fire hydrant, located within ~~three hundred (300)~~ feet of every point on the perimeter of the building and satisfactory for use by the equipment of the fire department serving the building, or have an acceptable equivalent. Additional hydrants may be required if needed to properly protect the residents from fire hazards. Evaluation and written approval must be obtained from the Office of the State Fire Marshal. ~~(B, G)~~
- f) Plans showing the proposed building location must be submitted to the Illinois Department of Transportation, Division of Water Resources to determine compliance with the State Flood Plain Regulations and Executive Order IV, 1979. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.2850 Administration and Public Areas

- a) Facilities for the physically handicapped (public, staff and residents) shall be provided in administration and public areas as well as in resident areas. ~~(G)~~

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2850 (continued)

- b) Lobby shall include a reception and information counter or desk, waiting space ~~(G)~~, and public telephones. See Illinois ~~State~~ Plumbing Code for drinking fountains ~~(G)~~ and toilet facilities requirements for staff and visitors. ~~(G)~~
- c) General or Individual Office ~~(G)~~ shall have sufficient space to accommodate the following functions: Administrative, Business/Financial Transactions, Professional Staff (Director of Nursing, Food Service Supervisor, Activity Director, Social Service Director ~~(G)~~), and Professional Consultants (Medical Director, Pharmacist, Dietitian, Social Worker ~~(G)~~) ~~(G)~~
- d) Multipurpose room ~~(G)~~ shall be provided for conferences, meetings, interviews, and educational purposes. ~~(G)~~
- e) Provide adequate space for recording, reviewing and storing resident records. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.2860 Nursing Unit

- a) The number of resident beds in a nursing unit shall not exceed ~~seventy-five (75)~~ beds. ~~(G)~~
- 1) Not less than ~~sixty (60)~~ percent of the resident beds shall be in one ~~(1)~~ or two ~~(2)~~ bed rooms. ~~(G)~~
- 2) Not less than three ~~three (3)~~ percent of the total number of the beds in the facility shall be located in single bed rooms with a private bath, water closet and lavatory. ~~(G)~~
- b) ~~Bedrooms~~ General Requirements for Bedrooms
- 1) Resident bedrooms shall have an entrance directly off a corridor with an entrance door which swings into the room. ~~(G)~~
- 2) Resident bedrooms shall have adequate and satisfactory artificial light and be equipped in accordance with Section 300.2940(a)(2) and (e)(1). ~~(G)~~
- 3) Residents shall have access to a toilet room without entering the general corridor area. ~~(G)~~



ILLINOIS REGISTER  
DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2860(b) (continued)

- 4) Provide a closet or wardrobe of at least four ~~(4)~~ square feet for each resident. ~~(6)~~
- 5) Residents bedroom floor shall be at or above grade level. ~~(6)~~
- 6) Each room used as a resident bedroom shall have at least one ~~(1)~~ outside window, and a total window area to the outside equal to at least one-tenth ~~(1/10)~~ the floor area of the room. ~~(6)~~
- 7) Nurses' call system shall be provided in accordance with Section 300.2940(g). ~~(B-6)~~
- 8) Complete visual privacy shall be provided for each resident in multibed rooms. Design for privacy shall not restrict resident access to the entry, lavatory, nor toilet. ~~(6)~~
- 9) No resident bedroom shall be located more than ~~one hundred~~ ~~twenty~~ ~~(120)~~ feet from the nurses' station, clean utility room, and soiled utility room. ~~(6)~~

## c) Resident Bedrooms

- 1) Single resident bedrooms shall contain at least ~~one hundred~~ ~~(100)~~ square feet. Multiple resident bedrooms shall contain at least ~~eighty~~ ~~(80)~~ square feet per bed. Minimum usable floor area shall be exclusive of toilet rooms, closets, lockers, wardrobes, alcoves, vestibules, or clearly definable entryways. ~~(6)~~
- 2) Multiple resident bedrooms shall not have more than four ~~(4)~~ beds nor more than three ~~(3)~~ beds deep from an outside wall. All beds shall have a minimum clearance of three ~~(3)~~ feet at the foot and sides of the bed. ~~(6)~~

## d) Special Care Room

- 1) Provide a special care room for each nursing unit. ~~(6)~~
- 2) Provide this room with a private toilet room containing water closet, lavatory, bathtub or shower and all other necessary facilities to meet the resident's needs. ~~(B-6)~~
- 3) This room shall be located to allow direct visual supervision

## Section 300.2860(d)(3) (continued)

- from the nurses' station. ~~(6)~~
- 4) This room shall be included in the authorized maximum bed capacity for the facility. ~~(6)~~
  - 5) It is permissible for the room to be occupied by a resident, not in need of special care, provided the resident is clearly informed and understands ~~he/she~~ they will be immediately transferred out of the room any time of day or night, whenever the room is needed to care for a resident requiring special care. ~~(6)~~
- e) Nurses' Station ~~(B-6)~~
- 1) Provide a minimum of one ~~(1)~~ nursing station per unit with direct access to the corridor for each nursing unit. The location of this station shall allow visual control without the use of mirrors of each resident sleeping corridor. Separation shall be provided from the utility rooms.
  - 2) One or more nursing units may be combined at a central nursing station if sufficient space is provided for all nursing functions.
  - 3) A lounge with toilet room shall be provided near each station for nursing staff. Lockers for safekeeping of coats and personal effects may be provided within this space or in a convenient central location.

## f) Bath and Toilet Rooms

- 1) The resident bedroom toilet room shall serve no more than two ~~(2)~~ resident rooms nor more than eight ~~(8)~~ beds. The toilet room shall contain a water closet and a lavatory. The lavatory may be omitted from the toilet room when the resident room contains a lavatory. ~~(6)~~
- 2) Provide one ~~(1)~~ wheelchair resident toilet room for each sex residing in nursing unit. The room shall be accessible from the corridor. This room shall contain a water closet and lavatory. ~~(6)~~
- 3) Wheelchair resident toilet room ~~(6)~~ are not required when all resident toilet rooms can accommodate wheelchair residents. ~~(6)~~



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

Section 300.2860(f) (continued)

- 4) Provide one ~~(1)~~ training toilet room on each nursing floor, that is accessible from the corridor. Provide three ~~(3)~~ foot clearance at the front and both sides of the water closet. This room shall contain a lavatory accessible for wheelchair use. ~~(G)~~
  - 5) Provide one ~~(1)~~ bathtub or shower for each ten ~~(10)~~ resident beds per nursing unit which are not served by bathing or showering facilities in resident room. ~~(G)~~
  - 6) All shower stalls for residents not needing assistance shall be at least three ~~(3)~~ feet square and shall have no curb. ~~(G)~~
  - 7) Provide at least one ~~(1)~~ bathtub for assisted bathing per nursing unit. There shall be a clear area at least three ~~(3)~~ feet wide at both sides and one end of the tub. ~~(G)~~
  - 8) Provide at least one ~~(1)~~ shower stall for assisted showering per nursing unit. The shower stall shall be at least four ~~(4)~~ feet square with no curb. ~~(G)~~
  - 9) Provide a toilet room with a water closet and lavatory, accessible to the assisted bathtub and shower without entering the general corridor. This room may be arranged to serve as the training toilet facility. ~~(G)~~
  - 10) Grouped bathing and toilet facilities shall be partitioned or curtained for privacy. ~~(G)~~
- g) Utility Rooms
- 1) Clean utility room shall have direct access to a corridor or access may be through the nurses' station entrance. This room shall contain work counters, single or double compartment sink with integral drainboard, storage cabinets, and an autoclave. (Autoclave may be waived in lieu of other methods if sterilization is approved by Department.) ~~(G)~~
  - 2) Clean linen storage room or closet within the clean utility room shall be provided. If a closed cart system is used, storage may be in an alcove. ~~(G)~~
  - 3) Soiled utility room shall have direct access to a corridor. This room shall contain work counters, ~~double-compartment sink with integral drainboard,~~ storage cabinets, and a clinical rim flush sink. ~~and sanitizer.~~ The room shall also contain a

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

Section 300.2860(g)(3) (continued)

- three compartment sink with integral drainboard if chemical sanitizing procedures are used, or a double compartment sink with integral drainboard if a utensil sanitizer is used (See Section 300.2930). ~~(G)~~
  - 4) The charging room for a linen chute shall be large enough to unload the collecting cart with the door closed. ~~(G)~~
- h) Medication Facilities
- 1) Medicine station shall be provided for convenient and prompt ~~twenty-four (24)~~ hour distribution of medicine to residents. The medicine preparation room shall be under the nursing staff's visual control and contain a work counter, refrigerator, and locked storage for biologicals and drugs. Provision for handwashing and medication purposes shall be provided in medication preparation room. ~~(G)~~
  - 2) If medicine dispensing carts are used, a specific space shall be provided which may be located in the nurses' station or in an alcove or other space under the direct control of the nursing staff. Provision for handwashing and medication purposes shall be provided in the nurses' station. ~~(G)~~
  - 1) Nourishment station shall be provided with a handwashing sink and equipment including refrigerator, and storage cabinets for serving nourishment between scheduled meals. Ice for residents' use shall be provided only by icemaker dispenser units. ~~(G)~~
  - j) Room for examination and treatment of residents shall be provided and shall have a minimum floor area of ~~one hundred (100)~~ square feet, excluding space for vestibule, closets and work counters (whether fixed or movable). The minimum room dimension shall be ten feet ~~(10-00)~~. The room shall contain a lavatory or sink equipped for handwashing; a work counter; storage facilities; and a desk, counter, or shelf space for writing. ~~(G)~~
  - k) Equipment storage room ~~(s)~~ shall be provided for storage of equipment such as I.V. stands, inhalators, air mattresses, walkers, and wheelchairs ~~and etc.~~. ~~(G)~~
  - 1) Parking space for wheelchairs shall be provided and located out of path of normal traffic. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTSSection 300.2870 Dining, Living, Activities Rooms ~~(c)~~

- a) The combined area of these rooms shall not be less than ~~twenty-five~~ ~~(25)~~ square feet per resident bed. ~~(c)~~
- b) Provide a minimum of one ~~(1)~~ dining room with at least ten ~~(10)~~ square feet per resident bed. Provide facilities to allow individual feeding of residents on their sleeping floor if they are not able to feed themselves. Dining area provided for this function may be included in the required area. ~~(c)~~
- c) Provide a minimum of one ~~(1)~~ comfortably furnished living room on each floor in multiple story buildings having a total window area of at least one-tenth ~~(1/10)~~ the floor area. ~~(c)~~
- d) Provide activities room based on program requirements. This room ~~(c)~~ may be combined with the living ~~and/or~~ or dining room. ~~(c)~~
- e) Locate these rooms so that they are not an entrance vestibule from the outside. ~~(c)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.2880 Therapy and Personal Care

- a) Physical and occupational therapy facilities shall be provided as may be required by Section 300.1420. ~~(c)~~
- b) A separate room shall be provided with appropriate equipment for hair care and grooming needs of the residents. ~~(c)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.2890 Service Departments

- a) Dietary facilities shall comply with the Department's rules entitled ~~standards specified in the State of Illinois Rules and Regulations for "Food Service Sanitation" (77 Ill. Adm. Code 750) and the Food Service Sanitation Manual, Public Health Service No. 934.~~ Dietary facilities shall be designed and equipped to meet the requirements of the Narrative Program. These may consist of an on-site conventional food preparing system, a convenience food service system, or an appropriate combination of the two. ~~(B)(6)~~

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2890 (continued)

- b) The kitchen, consisting of food preparation, cooking and serving areas, shall be approximately ten ~~(10)~~ square feet per resident bed with a minimum area of at least ~~two hundred~~ ~~(200)~~ square feet. It shall be properly located for efficient food service, and be large enough to accommodate the equipment and personnel needed to prepare and serve the number of meals required. ~~(B)(6)~~
- c) The following facilities shall be provided as required to implement the type of food service selected:
  - 1) A control station shall be provided for receiving food supplies. ~~(c)~~
  - 2) Storage space shall be adequate to provide normal and emergency supply needs, approximately two and one half ~~(2 1/2)~~ square feet per patient bed, for bulk and daily food storage, located in a room convenient to the kitchen. ~~(c)~~
  - 3) Food Preparation Facilities Conventional food preparation systems require space and baking. Convenience food service systems such as frozen prepared meals, bulk packaged entrees, and individual packaged portions, or systems using contractual commissary service require space and equipment for thawing, portioning, heating, cooking, or baking. ~~(c)~~
  - 4) Handwashing facilities ~~facility(ies)~~ shall be located in the food preparation area. ~~(c)~~
  - 5) Residents' meal service facilities shall be provided as required for tray assembly and distribution. ~~(c)~~
  - 6) Warewashing space shall be located in a room or an alcove separate from food preparation and serving areas. Commercial type dishwashing equipment shall be provided. Space shall also be provided for receiving, scraping, sorting, stacking and loading soiled tableware and for transferring clean tableware to the using areas. A handwashing lavatory shall be provided. ~~(B)(6)~~
  - 7) Potwashing facilities shall be located conveniently for washing and sanitizing cooking utensils. ~~(B)(6)~~
  - 8) Storage areas shall be provided for cans, carts, and mobile tray conveyors. ~~(c)~~



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.2890(c) (continued)

- 9) Waste storage facilities shall be located in a separate room easily accessible to the outside for direct pickup or disposal. ~~(C)~~
- 10) An office ~~office~~ ~~(C)~~ or desk space ~~spaces~~ shall be provided for the dietitian ~~(C)~~ and/or ~~the~~ dietary service manager. ~~(C)~~
- 11) Toilets shall be accessible to the dietary staff. Handwashing facilities shall be immediately available. ~~(C)~~
- 12) A janitors' closet for the exclusive use of the food preparation areas shall be located within the dietary department. It shall contain a floor receptor or service sink and storage space for housekeeping equipment and supplies. ~~(C)~~
- 13) Self-dispensing icemaking facilities shall be provided. ~~(C)~~
- 14) Provide adequate can, cart and mobile tray washing facilities as required. ~~(C)~~

## d) Linen Service

- 1) Provide a laundry room with commercial type equipment designed to meet the needs of the facility unless a commercial laundry service is used. ~~(C)~~
- 2) The laundry facilities shall be designed to provide for the processing of linens from soiled linen receiving/sorting through washing, through drying, through clean linen inspection, folding and storage, maintaining a separation between soiled and clean functions. ~~(C)~~
- 3) Provide for the storage of laundry supplies and carts. ~~(C)~~
- 4) If washers and dryers are provided for personal use of residents, they shall be located in a room separate from the facility's laundry room ~~(C)~~. ~~(C)~~

## e) Housekeeping and Storage

- 1) Sufficient janitor's closets shall be provided throughout the facility as required to maintain a clean and sanitary environment. Each shall contain a floor receptor or service sink and storage space for housekeeping equipment and supplies. Space ~~(C)~~ for large housekeeping equipment and for back-up

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.2890(e)(1) (continued)

- supplies may be centrally located. ~~(C)~~
- 2) Provide a total area of approximately ten ~~(10)~~ square feet per resident bed for the storage areas designated in this service department. This does not include closets or wardrobes in residents' rooms. Separate storage space with provisions for locking and security control shall be provided for residents' personal effects which are not kept in residents' bedroom. ~~(C)~~
- 3) Provide storage rooms for maintenance supplies, and yard equipment ~~etc.~~ ~~(C)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

Section 300.2900 General Building Requirements ~~Building General~~

## a) Elevators

- 1) Have a minimum of one ~~(1)~~ elevator in all buildings of two ~~(2)~~ or more stories in height. The basement shall be considered as one ~~(1)~~ story if it is used by residents. ~~(B)~~ ~~(C)~~
- 2) If ~~eighty~~ ~~(80)~~ to ~~two hundred~~ ~~(200)~~ beds are located above the first floor, at least one ~~(1)~~ additional elevator shall be provided. ~~(C)~~
- 3) For facilities with more than ~~two hundred~~ ~~(200)~~ beds, the number of elevators shall be determined from a study of the use requirements and the estimated vertical transportation requirements.
- 4) A minimum of one ~~(1)~~ car shall be of institutional type having inside dimensions that will accommodate a stretcher and attendants and shall be at least five feet ~~(5-0)~~ by seven feet, six inches ~~(7'-6")~~. The car door shall have a clear opening of not less than three feet, eight inches ~~(3'-8")~~. ~~(C)~~
- 5) Elevators shall be equipped with an automatic leveling device of the two-way automatic maintaining type. ~~(C)~~
- 6) Elevator controls, alarm buttons, and telephones shall be



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2900(a)(6) (continued)

accessible to physically handicapped in accordance with Capital Development Board rules entitled "Illinois Accessibility Code" ~~Standards Illustrated~~ (71 Ill. Adm. Code 400).

7) Elevator call buttons, controls, and door safety stops shall be of a type that will not be activated by heat or smoke. (B)

8) Elevators, except freight elevators, shall be equipped with a two-way special service key operated switch to permit cars to bypass all landing button calls and be dispatched directly to any floor. (B, G)

9) Fireman's emergency operations shall be furnished in accordance with American National Standards Institute Standard A17.1 Elevator Safety Code. (B)

10) Inspections and tests shall be made and written certification be furnished that the installation meets the requirements set forth in this section and all applicable safety regulations and codes. (B)

## b) Handrails and Grab Bars

1) Handrails shall be provided on both sides of all corridors and ramps used by residents. (B, G)

2) Handrails shall be provided on all sides of an elevator cab not provided with a door. (B, G)

3) Handrails on stairs used by residents shall be provided on both sides of the stairs including the platforms and landings. (B)

4) Handrail dimensions and details shall conform to the Capital Development Board rules entitled "Illinois Accessibility Code" ~~Standards Illustrated~~ (71 Ill. Adm. Code 400). It is recommended that handrails be installed at a height of ~~thirty-two~~ ~~(32)~~ inches measured vertically from the floor surface. (B, G)

5) Grab bars shall be provided for all resident use toilets, showers, and tubs, etc. (B, G)

6) The ends of handrails and grab bars shall return to the wall. (B, G)

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2900 (continued)

## c) Ceiling Heights

1) All rooms occupied or used by residents shall have ceilings not less than eight ~~(8)~~ feet. ~~(G)~~

2) Corridors, storage rooms, toilet rooms and other minor rooms shall have ceilings not less than seven ~~(7)~~ feet, eight ~~(8)~~ inches. ~~(G)~~

3) Suspended tracks, rails and pipes located in the path of traffic shall be no less than six ~~(6)~~ feet eight ~~(8)~~ inches above the floor. ~~(G)~~

4) Boiler room shall have ceiling clearances not less than two ~~(2)~~ feet six ~~(6)~~ inches above the main boiler header and connecting piping. ~~(G)~~

## d) Doors and Windows

1) Main entrance and all exit doors shall swing outward and be provided with door closers and panic hardware. (B, G)

2) All exterior doors shall be equipped with a signal that will alert the staff if a resident leaves the building. Any exterior door that is supervised during certain periods may have a disconnect device for part-time use. If there is constant ~~twenty-four~~ ~~(24)~~ hour a day supervision of the door, a signal is not required. (B, G)

3) Locks installed on resident bedroom doors shall be so arranged that they can be quickly and easily unlocked from the corridor side. All such locks shall be arranged to permit exit from the room by a simple operation without the use of a key. The door may be lockable by the occupant if the door can be unlocked from the corridor side and keys are carried by the staff at all times. (B, G)

4) Resident toilet rooms shall open directly into a corridor or into a resident bedroom. (B, G)

5) The doors for the toilet rooms used by residents shall have a minimum door width of three ~~(3)~~ feet. (B, G)

6) No toilet or bathroom door shall be provided with hardware which could allow a resident to become locked in the room. All toilet



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTSDEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2900(d)(6) (continued)

- or bathroom doors and hardware shall be designed to permit emergency egress to the room. (B-~~G~~)
- 7) Doors and windows shall fit snugly and be weather tight, yet open and close easily. ~~(G)~~
- 8) Outside doors, other than required exits, and operable windows shall be equipped with tight-fitting, ~~slatted~~ ~~(16)~~ mesh screens. Screen doors shall be equipped with self-closing devices. ~~(G)~~
- 9) All doors to resident's sleeping rooms shall be provided with automatic closers actuated by smoke detectors in the resident room. The doors shall normally be free swinging in the open and close directions, and be designed so they will remain in any position except when they are actuated by the detector. They shall then close gently and shall latch when closed. When so actuated they shall automatically close again if opened manually. Each door shall be equipped with a light mounted on the wall adjacent to the door. The light shall illuminate if the door has been closed as a result of the actuation of the controlling smoke detector. Each door closer will be activated only when its own detector annunciates a fire. In addition, a centrally located monitor shall contain signals which identify the resident room in which the smoke detector has signaled the alarm. The system shall be wired into the fire alarm system. (B-~~G~~)

## e) Floors

- 1) Floors shall be smooth, free from cracks and finished so that they can be easily and properly cleaned. Floors shall be covered wall to wall with water resistant material in wet areas including but not limited to bathrooms, kitchens, utility rooms. (B-~~G~~)
- 2) Thresholds and expansion joints shall be flush with the floor to facilitate use of wheelchairs and carts. ~~(G)~~
- f) Mirrors shall be installed above all lavatories except handwashing lavatories in food preparation areas, or in clean and sterile supply areas or at nurses handwashing sink. ~~(G)~~
- g) Provide paper towel dispensers and waste receptacles or electric hand dryers at all lavatories. ~~(G)~~

## Section 300.2900 (continued)

- h) Rooms containing heat-producing equipment (such as boiler or heater rooms and laundry rooms) shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of 10 ° F above the ambient room temperature. ~~(G)~~
- i) Sound Transmission Limitation
- 1) Recreation rooms and exercise rooms, and similar spaces where impact noises may be generated, shall not be located directly over resident bed areas unless special provisions are made to minimize such noise. ~~(G)~~
- 2) Sound transmission limitations shown in Table A shall apply to partitions, floors, and ceiling construction in resident areas. ~~(G)~~
- j) Hazardous Areas, Fire Extinguishers and Miscellaneous
- 1) Interior finish flame spread ratings shall be in accordance with the National Fire Protection Association, Life Safety Code Standard 101, Standards for Flame Spread and Smoke Emission Ratings. (B)
- 2) There shall be at least one ~~(1)~~ approved fire extinguisher in all basements, furnace rooms, and kitchens, laundry rooms and beauty shops. In addition, there shall be on each floor of the building, extinguishers located so a person will not have to travel more than ~~fifty~~ ~~(50)~~ feet from any point to reach one. They shall be inspected annually and recharged when necessary. The date of checking and recharging shall be recorded on a tag attached to the extinguisher. (B-~~G~~)
- 3) Approved containers with proper covers shall be provided for daily storage of rubbish. (B-~~G~~)
- 4) Housekeeping throughout the building, including basements, attics, and unoccupied rooms shall be adequately performed to minimize all fire hazards. (B-~~G~~)
- 5) Comply with any reasonable additional fire protection measures recommended by the Department over and above these requirements or the Office of the State Fire Marshal if conditions in and around building, including its location, indicate that such additional protection is needed. Additional fire protection measures shall include, but are not limited to the Institution



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

4874

89

## ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2900(j)(5) (continued)

of a fire watch, installation of a sprinkler system, ~~and/or~~  
and installation of smoke detectors. (B-~~G~~-)

- k) Have no other business not related to health care conducted in the building that constitutes a hazard or annoyance to the residents. In any case, the business shall be in a segregated portion of the building and shall have a separate entrance. (A, B-~~G~~-)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.2910 Structural

a) General Design Requirements ~~Data~~ General

- 1) The buildings and all parts thereof shall be of sufficient strength to support all dead, live, and lateral loads without exceeding the working stresses permitted for the materials of their construction in generally accepted good engineering practice. (B-~~G~~-)
  - 2) Special provision shall be made for loads which have a greater load than the specified minimum live load, including partitions which are subject to change of location. (B-~~G~~-)
- b) Construction shall be in accordance with the requirements of National Fire Protection Association Standard 101, Life Safety Code, and the minimum requirements contained herein. (A, B-~~G~~-)

- 1) Foundations shall rest on natural solid ground and shall be carried to a depth of not less than one ~~(1)~~ foot below the estimated frost line or shall rest on leveled rock or load-bearing piles or caissons when solid ground is not encountered. Footings, piers, and foundation walls shall be adequately protected against deterioration from the action of ground water. It is recommended that soil test borings be taken to establish proper soil-bearing values for the soil at the building site. ~~(G)~~

- 2) Assumed live loads shall be in accordance with the International Conference Building Officials Uniform Building Code. ~~(G)~~

- 3) The fire resistance rating of the structural members shall be as established by National Fire Protection Association Standard 220 (Standard Types of Building Construction). ~~(G)~~

## Section 300.2910 (continued)

c) Provisions for Natural Disasters (B-~~G~~-)

- 1) Earthquakes: In regions where local experience shows that earthquakes have caused loss of life or extensive property damage, buildings and structures shall be designed to withstand the force assumptions specified in the International Conference Building Officials Uniform Building Code. Seismic zones are identified on the attached map. (B-~~G~~-)
- 2) Tornadoes and Floods: Special provisions shall be made in the design of buildings, including structural design, in regions where local experience shows loss of life or damage to buildings resulting from hurricanes, tornadoes, or floods. (B-~~G~~-)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.2920 Mechanical Systems

## a) General Requirements

- 1) Mechanical systems shall be tested, balanced, and operated to demonstrate that the installation and performance of these systems conform to the requirements of these standards. ~~(G)~~
- 2) Upon the completion of the contract, the owner shall be furnished with a complete set of manufacturer's operating and preventative maintenance instructions, parts list with numbers and descriptions for each piece of equipment and a copy of the air-balance report. A complete set of these documents shall be kept on the premises. ~~(G)~~

- 3) The owner shall be provided with instructions in the operational use of the systems and equipment as required. ~~(G)~~

## b) Thermal and Acoustical Insulation

- 1) Insulation shall be provided for the following:
- 2) Boilers, smoke breeching, and stacks. ~~(G)~~
- 3) Steam supply and condensate return piping. (B-~~G~~-)
- 4) Hot water piping above 180 degrees Fahrenheit and all hot water heaters, generators, and converters. ~~(G)~~



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2920(b) (continued)

- 5) Hot water piping above 125 degrees Fahrenheit which is exposed to contact by residents. (B)
- 6) Chilled water, refrigerant, other process piping and equipment operating with fluid temperatures below ambient dew point. ~~(C)~~
- 7) Water supply and drainage piping on which condensate may occur. ~~(C)~~
- 8) Air ducts and casings with outside surface temperatures below ambient dew point. ~~(C)~~
- 9) Other piping, ducts, and equipment as necessary to maintain the efficiency of the system. ~~(C)~~
- 10) Insulation may be omitted from hot water and steam condensate piping not subject to contact by residents when such insulation is not necessary for preventing excessive system heat loss or excessive heat gain. ~~(C)~~
- 11) Insulation including finishes and adhesives on exterior surfaces of ducts, pipes, and equipment shall have a flame spread rating of ~~twenty-five (25)~~ or less and a smoke developed rating of ~~one hundred fifty (150)~~ or less as determined by an independent testing laboratory in accordance with American Society Testing Materials Standard E84. ~~(B, C)~~  
Exception: Duct, pipe and equipment coverings shall not be required to meet these requirements where they are located entirely outside of a building, or do not penetrate a wall or roof or do not create an exposure hazard.
- 12) Access for filter changing shall be provided within equipment rooms. ~~(C)~~
  - c) Steam and Hot Water Systems. Supply and return mains and risers for cooling, heating and process steam systems shall be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return ends. ~~(C)~~
  - d) Heating, Cooling, and Ventilating Systems
    - 1) A design temperature of 75 degrees Fahrenheit for both summer and winter design conditions shall be provided for all resident use areas including corridors. ~~(C)~~

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2920(d) (continued)

- 2) All ventilation supply, return and exhaust systems shall be mechanically operated. ~~(C)~~
- 3) Outdoor air intakes shall be located as far as practical but not less than ~~fifteen (15)~~ feet from the exhaust outlets of ventilation systems, combustion equipment stacks, plumbing vent stacks, or from areas which may collect vehicular exhaust and other noxious fumes. The bottom of outdoor air intakes serving central systems shall be located as high as practical but not less than six ~~(6)~~ feet above ground level, or if installed above the roof, three ~~(3)~~ feet above roof level.
- 4) The ventilation systems shall be designed and balanced to provide the pressure relationships and ventilation rates as shown in Table B. ~~(B, C)~~
- 5) A manometer shall be installed across each filter bed serving central air systems. ~~(C)~~
- 6) Air conditioning and ventilation systems shall be designed, installed and maintained as required by National Fire Protection Association Standard 90A. ~~(A, B, C)~~
- 7) The hood and duct system for cooking equipment used in processes producing smoke or grease-laden vapors shall be in conformance with National Fire Protection Association Standard 96. That portion of the fire extinguishment system required for protection of the duct system may be omitted when all cooking equipment is served by a grease extractor listed by Underwriter's Laboratory or other independent testing laboratories. ~~(A, B, C)~~
- 8) The ventilation of the medical gas storage room ~~(s)~~ shall conform to the requirements of National Fire Protection Association Standard 56A "Inhalation Anesthetics" including the gravity option system. ~~(B, C)~~
- 9) Boiler rooms and other rooms having combustion equipment shall be provided with sufficient outdoor air to maintain combustion rates of equipment and limit temperatures to 97 degrees Fahrenheit. Effective Temperature as defined by American Society Heating Refrigeration Engineers Handbook of Fundamentals. ~~(A, B, C)~~
- 10) Rooms containing heat producing equipment, such as boiler rooms, heater rooms, food preparation centers, laundries, and



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2920(d)(10) (continued)

sterilizer rooms shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of 10 degrees Fahrenheit above the ambient temperature. ~~(C)~~ The ventilation rates shown in Table B shall be considered as minimum acceptable rates and shall not be construed as precluding the use of higher ventilation rates.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.2930 Plumbing Systems

a) General Requirements. All plumbing systems shall be designed and installed in accordance with the requirements of the Illinois Plumbing Code (77 Ill. Adm. Code 890) except that the number of resident required water closets, lavatories, bathtubs, showers, and other fixtures shall be as required by this Part ~~the standards~~ and the facility program. (B, ~~C~~)

b) Plumbing Fixtures

- 1) Plumbing fixtures shall be of non-absorptive acid-resistant materials.
- 2) The water supply spout for lavatories and sinks required for filling pitchers for nursing staff and food handlers' handwashing, shall be mounted so that its discharge point is a minimum distance of five ~~(5)~~ inches above the rim of the fixture. (B, ~~C~~)
- 3) Handwashing lavatories used by nursing staff and food handlers shall be trimmed with valves which can be operated without the use of hands. When blade handles are used for this purpose, the blade handles shall not exceed four and one half ~~(4 1/2)~~ inches in length, except the handles on clinical sinks shall not be less than six ~~(6)~~ inches in length. ~~(C)~~
- 4) Clinical rim flush sinks shall have an integral trap in which the upper portion of the trap seal provides a visible water surface. ~~(C)~~
- 5) The potwashing sink shall be a three ~~(3)~~ compartment sink with one compartment at least ~~fourteen (14)~~ inches deep. ~~(C)~~

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2930(b) (continued)

6) Shower bases and tub bottoms shall be provided with nonslip surfaces. (B, ~~C~~)

c) Water Supply Systems

- 1) Water supply systems shall be designed to supply water at sufficient pressure and volume to operate all fixtures and equipment during maximum demand periods. ~~(C)~~
- 2) Each water service main, branch main, riser and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixture. ~~(C)~~
- 3) Flush valves installed on plumbing fixtures shall be of a quiet operating type, equipped with silencers. ~~(C)~~
- 4) Hot water distribution systems shall be arranged to provide hot water at each hot water outlet at all times. (B, ~~C~~)
- 5) Hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B, ~~C~~)
- 6) Each hot water system serving resident areas shall include at least one of the following equipment requirements to insure that the water temperature does not exceed 110 degrees Fahrenheit:
  - A) A thermostatically controlled mixing valve, or ~~shall be provided on each hot water system serving resident areas to insure that the water temperature does not exceed 110 degrees F.~~
  - B) An aquastat which limits the water temperature in the water heater to a maximum temperature of 110 degrees Fahrenheit and a solenoid operated shut off valve activated by a sensing element in the water line which shuts off the water and activates an alarm at the nurses station when the water temperature exceeds 110 degrees Fahrenheit. (A, B, ~~C~~)

d) Hot Water Heaters and Tanks

- 1) Capacity and Temperature Requirements
  - A) The hot water heating equipment shall have sufficient capacity to supply water at the temperature and quantities in the following areas:



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2930(d)(1)(A) (continued)

	Resident Service	Dietary	Laundry
gallons/hour/bed	6 1/2	4	4 1/2
Temperature (degrees Fahrenheit)	110	140*	180

\*180 degree Fahrenheit water required at dishwasher and pot and pan sink.

- B) Water temperatures to be taken at the point of use or discharge of the hot water or inlet to processing equipment. ~~(C)~~
- 2) Water storage tanks shall be fabricated of corrosion resistant metal or lined with noncorrosive material. ~~(C)~~
- e) Drainage Systems. Insofar as possible drainage piping shall not be installed above the ceiling nor installed in an exposed location in food preparation centers, food serving facilities, food storage areas, and other critical areas. Special precautions shall be taken to protect these areas from possible leakage or condensation from necessary overhead piping systems. ~~(B)(C)~~
- f) Nonflammable Gas Systems. Nonflammable medical gas systems if installed shall be in accordance with the requirements of National Fire Protection Association Standards 56A and 56F. ~~(B)(C)~~
- g) Clinical Vacuum (Suction) Systems. Clinical vacuum systems if installed shall be in accordance with the requirements of the Compressed Gas Association Pamphlet P-2.1. ~~(B)(C)~~
- h) Fire Extinguishing Systems
- 1) A complete automatic sprinkler system shall be installed throughout all facilities regardless of construction type. ~~(A, B)(C)~~
  - 2) All sprinkler and other fire extinguishing systems shall be designed and installed in accordance with National Fire Protection Association Standard 101 and referenced codes. ~~(A, B)(C)~~
  - 3) All sprinkler systems shall be maintained in accordance with National Fire Protection Association Standard 13A. ~~(A, B)(C)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2940 Electrical Systems

## a) General Requirements

- 1) All material including equipment, conductors, controls, and signaling devices shall be installed to provide a complete electrical system with the necessary characteristics and capacity to supply the electrical facilities required by these standards. All materials shall be listed as complying with available standards of Underwriters' Laboratories, Inc. or other similarly established standards. ~~(B)(C)~~
- 2) All electrical installations and systems shall be tested to show that the equipment is installed and operates as planned or specified and be in accordance with these standards. ~~(A, B)(C)~~
- 3) The installation shall meet all the requirements of the latest "National Electrical Code". ~~(A, B)(C)~~
- b) Switchboards and Power Panels. Circuit breakers or fusible switches that provide disconnecting means and overcurrent protection for conductors connected to switchboards and panelboards shall be enclosed or guarded to provide a dead-front type of assembly. The main switchboard shall be located in a separate enclosure accessible only to authorized persons. The switchboard shall be convenient for use, readily accessible for maintenance, clear of traffic lanes, and in a dry ventilated space free of corrosive fumes or gases. Overload protective devices shall be suitable for operating properly in ambient temperature conditions. ~~(C)~~
- c) Panelboards. Panelboards serving lighting and appliance circuits shall be located on the same floor as the circuits they serve. This requirement does not apply to emergency system circuits. ~~(C)~~
- d) Lighting
  - 1) All spaces occupied by people, machinery, and equipment within buildings, approaches to and exits from buildings, and parking lots shall have lighting. ~~(C)~~
  - 2) Resident's rooms shall have general lighting. A reading light shall be provided for each resident. At least one light fixture shall be switched at the entrance to each resident room. All switches for control of lighting in resident's sleeping areas shall be of the quiet operating type. ~~(C)~~



## Section 300.2940 (continued)

## e) Receptacles (Convenience Outlets)

- 1) Each resident bed room shall have duplex grounding type receptacles as follows: One located each side of the head of each bed; one for television if used; and one on another wall. Receptacles are to be located between ~~twelve (12)~~ to ~~thirty (30)~~ inches above the finished floor. (B, ~~C~~)
- 2) Resident bathrooms shall have at least one duplex receptacle.
- 3) See Article 517 of National Fire Protection Association Standard 70 for grounding requirements. ~~(C)~~
- 4) Duplex receptacles shall be installed approximately 50 feet ~~fifty feet (50' 0")~~ apart in all corridors and within 25 feet ~~twenty five feet (25' 0")~~ of ends of corridors. ~~(C)~~

f) Door Alarm System. Each exterior door shall be equipped with a signal that will alert staff if a resident leaves the building. Any exterior door that is supervised during certain periods may have a disconnect device for part-time use. If there is constant ~~twenty four~~ 24 hour a day supervision of the door, a signal is not required. (B, ~~C~~)

## g) Nurses' Calling System

- 1) Each resident room shall be served by at least one calling station and each bed shall be provided with a call station. One call station may serve two adjacent beds. Calls shall register at the nurses' station and shall activate a visible signal in the corridor at the resident's door, and in the nurse's station. In multicorridor nursing units, additional visible signals shall be installed at corridor intersections. In rooms containing two or more calling stations, identifying lights shall be provided at the nurse's station. (B, ~~C~~)
- 2) A nurses' call station shall be provided for residents' use at each resident's toilet, bath, and shower location. The cord shall be long enough to reach within six inches ~~(6")~~ of the floor. (B, ~~C~~)

## h) Fire Alarm System

- 1) A manually and automatically operated fire alarm system shall be installed. (A, B, ~~C~~)

## Section 300.2940(h) (continued)

- 2) Automatic smoke detectors shall be installed in all resident sleeping rooms and at ~~thirty (30)~~ feet on center in all corridors other than sleeping area corridors. (A, B, ~~C~~)

## i) Emergency Electrical System

- 1) To provide electricity during an interruption of the normal electric supply, an emergency source of electricity shall be provided and connected to certain circuits for lighting and power. The emergency system shall consist of the life safety branch and the critical branch. (B, ~~C~~)
- 2) The source of this emergency electrical service shall be an emergency generating set or an approved dual source of normal power. (B, ~~C~~)
- 3) Life Safety Branch, Automatic Transfer ten ~~(10)~~ Seconds.
  - A) Illumination of means of egress as necessary for corridors, passageways, stairways, landings and exit doors, and all ways of approach to and through exits. (A, B, ~~C~~)
  - B) Exit signs and exit directional signs. (A, B, ~~C~~)
  - C) Sufficient lighting in dining room and recreation areas to provide illumination to exit ways. (A, B, ~~C~~)
  - D) Fire alarms activated at manual stations, by electric water flow alarm devices in connection with sprinkler systems, and by all automatic detection systems. (A, B, ~~C~~)
  - E) Communication systems, where these are used for issuing instructions during emergency conditions. (A, B, ~~C~~)
  - F) Task illumination, and selected receptacles at the generator set location. (B, ~~C~~)
- 4) Critical Branch, Automatic Transfer ten ~~(10)~~ Seconds
  - A) Task illumination and selected receptacles in the nurse's station including the medication preparation area. (B, ~~C~~)
  - B) Sump pumps and other equipment required to operate for the safety of major apparatus including associated control systems and alarms. (B, ~~C~~)



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.2940(1)(4) (continued)

- C) Elevator cab lighting and communication systems. (B-~~6~~-C-)

- D) Nurses' call system (B-~~6~~-C-)

- 5) Critical Branch, Automatic or Manual Systems Heating equipment to provide heating for patient rooms. EXCEPTION: Where the facility is served by two ~~(2)~~ or more electrical services supplied from separate generators or a utility distribution network having multiple power input sources and arranged to provide mechanical and electrical separation so that a fault between the facility and the generating sources is not likely to cause an interruption of more than one of the facility service feeders. (B-~~6~~-C-)

## 6) Details

- A) The life safety and critical branch shall be in operation within ten ~~(10)~~ seconds after the interruption of normal electric power supply. (B-~~6~~-C-)
- B) Receptacles connected to emergency power shall be distinctively marked. (B-~~6~~-C-)
- C) The emergency generator shall not be solely dependent upon a public utility gas system for the fuel supply. Means shall be provided for automatically transferring from one fuel supply to another where dual fuel supplies are used. (B-~~6~~-C-)
- D) Where fuel storage facilities are provided on the site, the fuel tank shall have minimum capacity for ~~twenty-four~~ ~~(24)~~ hour operation of the generator. (B-~~6~~-C-)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS  
FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

## Section 300.3010 Applicability

- a) These standards shall apply to all existing Long-Term Care Facilities and all minor alterations or remodeling changes to existing facilities. See Subpart N for New Construction and Major Additions and Alterations.

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.3010 (continued)

- b) Minor alterations or remodeling changes which do not affect the structural integrity of the building, which do not change functional operations, which do not affect fire safety, and which do not add beds or facilities over those for which the Long-Term Care Facility is licensed need not be submitted for drawing approval. However, the Health Facilities Planning Board Requirements must be met for all alteration and remodeling projects. ~~(C-)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.3020 Codes and Standards

- a) Nothing stated herein shall relieve the sponsor from compliance with building codes, ordinances and regulations which are enforced by city ~~City~~, county ~~County~~ or other local jurisdictions. (B-~~6~~-C-)
- b) The 1981 Edition of the National Fire Protection Association (NFPA) Standard No. 101, Life Safety Code for existing structures and all appropriate references under Appendix "B" of that Code, but no subsequently amended edition of the Code, shall apply to and become a part of these standards. (A, B-~~6~~-C-) Pursuant to the Medicare/Medicaid certification requirements of 42 CFR 405.1134(a) (1983) and 42 CFR 442.321(c) (1983), but no subsequently amended editions of these Federal regulations, any skilled nursing facility that on December 4, 1980 or on November 26, 1982, or any intermediate care facility that on November 26, 1982 complied with the requirements of the 1967 or 1973 edition of the Life Safety Code, rather than the 1981 edition of the Life Safety Code, will be accepted by the Department for licensure and certification as long as the facility continues to remain in compliance with the 1967 or 1973 edition of the Code.

- c) The following exceptions to the 1967 Life Safety Code have been established by the Department:

- 1) Facilities shall be of the ~~following~~ heights and construction types with sprinkler requirements identified in the Table C. ~~(B-~~6~~-C-)~~
- 2) Dead-end corridors greater than ~~fifty~~ ~~(50)~~ feet in length shall be altered so that exits are accessible in at least two ~~(2)~~ directions from all points in aisles, passageways, and corridors. (B-~~6~~-C-)



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.3020(c) (continued)

- 3) Exit discharge doors and resident sleeping doors must be at least 34 inches in width. Width required is the width of the door leaf. ~~(C)~~
- 4) All corridors shall be at least four ~~(4)~~ feet wide. In Skilled Nursing Facilities, corridors shall be at least six ~~(6)~~ feet wide. ~~(C)~~
- d) The following equivalencies have been established by the Department:
- 1) Where corridor partition walls are not continuous from the floor slab to the underside of the floor or roof slab above, through any concealed spaces such as those above the suspended ceilings and through interstitial structural and mechanical spaces, the following equivalencies are permitted: (B, ~~C~~)
- A) A membrane ceiling which may be lath and plaster or drywall or a lay-in ceiling with all tiles clipped down and with all clips remaining in place, or with all the tiles weighing at least one ~~(1)~~ pound per square foot. The ceiling may be suspended but it must be constructed continually from exterior wall to exterior wall and must be part of a ~~1~~-hour rated assembly. All recessed lights, all duct outlets and all speaker outlets ~~etc.~~ must be properly protected in accordance with Code. Plenums are not allowed unless each outlet is properly protected. This concept is applicable only to ~~2~~-two-hour fire resistive and ~~1~~-one-hour protected noncombustible construction.

- B) A membrane ceiling of at least a one ~~(1)~~ hour rating (such as two layers of 5/8" Fire Code drywall) is acceptable for noncombustible, one ~~(1)~~ hour protected ordinary, ordinary, one ~~(1)~~ hour protected wood frame, wood frame and heavy timber construction.
- C) Corridor walls need not run up in ~~2~~-two-hour fire resistive and ~~1~~-one-hour protected noncombustible construction if automatic sprinklers are installed throughout.
- D) Smoke detectors may be used in lieu of continuous corridor wall construction all building construction types which are equipped throughout with an automatic extinguishment system required by these Standards. Automatic heat detectors, in

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.3020(d)(1)(D) (continued)

- 1) ~~In lieu of automatic smoke detectors, may be installed in kitchens, laundry rooms, boiler/furnace rooms and attic spaces.~~
- 2) This equivalency is applicable only to those facilities which are in conformance with these requirements on the date of promulgation of these standards and only if the facility remains in conformance. The equivalency is applicable to facilities with nonconforming construction type. The following requirements must be met for facilities four stories or more in height of protected ordinary construction. ~~(C)~~
- A) The fire resistance rating of all structural members must meet the two-hour fire resistive classification of NFPA 220, Standard Types of Building Construction, dated May, 1961, except that floor and roof framing members and nonbearing walls may be of combustible construction.
- B) Smoke detectors must be installed in all resident rooms, corridors, living areas, day rooms and in all hazardous and severely hazardous areas throughout the facility. However, automatic heat detectors may be installed, in lieu of automatic smoke detectors, in kitchens, laundry rooms, boiler/furnace rooms and attic spaces, (places where smoke, dust ~~and/or~~ and humidity sometimes activate smoke alarms when no fire is present, resulting in false fire alarms), if the facility chooses to do so for the purpose of reducing the number of false fire alarms. A zone readout identifying areas involved in a fire must be provided.
- C) All electrical systems shall meet the National Electrical Code in effect at the time of acceptance of the facility.
- D) Facility shall establish and enforce written procedures to prohibit smoking in resident sleeping rooms and corridors. Smoking is permitted only in controlled areas.
- E) A complete automatic extinguishment system shall be installed throughout the facility.
- F) All health survey deficiencies must be corrected.
- G) The physically handicapped residents shall be housed on the lowest sleeping room floor and ambulant residents may be housed on any floor.



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.3020(d)(2) (continued)

- H) Complete smoke barriers including one-hour rated walls and ~~1-3/4~~ one and three quarters inch thick solid core wood corridor doors with closers shall be installed as directed by the Department.

e) The following ~~rules~~ ~~codes~~ which were effective at the date of approval by the Department of the final drawings and specifications or the final inspection of the building apply: (B-~~G~~-)

- 1) Illinois Plumbing Code (77 Ill. Adm. Code 890). Department of Public Health ~~State of Illinois Environmental Health Protection~~
- 2) Illinois Accessibility Code ~~Standards Illustrated~~ (71 Ill. Adm. Code 400). ~~State of Illinois~~ Capital Development Board
- 3) Fire Prevention and Safety (41 Ill. Adm. Code 100). ~~State of Illinois~~ Office of the State Fire Marshal
- 4) Food Service Sanitation (77 Ill. Adm. Code 750). ~~State of Illinois~~ Department of Public Health ~~Environmental Health Protection~~
- 5) Boiler and Pressure Vessel Safety ~~Rules and Regulations~~ (41 Ill. Adm. Code 120). ~~State of Illinois~~ Office of the State Fire Marshal

~~6) State of Illinois, Safety Glazing Materials Act State of Illinois Department of Labor~~

f) ~~7) The requirements in this Part these IDPH Standards govern in cases of differences between the requirements in this Part these IDPH Standards and the Codes and rules referenced in this Section Standards listed before. (B-~~G~~-)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.3030 Preparation of Drawings and Specifications

Drawings and specifications prepared for work which is required by these Standards shall be prepared in accordance with Section 300.2830 of the Construction Standards for New Facilities. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.3040 Site

- a) Each facility shall comply with all applicable zoning ordinances and be located on a reasonably flat or rolling, well-drained site that is: not subject to flooding; reasonably free from sources of excessive noise, noxious or hazardous smoke or fumes; not in a deteriorated, unpleasant, or potentially hazardous area; and not near uncontrolled sources of insect and rodent breeding. ~~(G)~~
- b) Each facility shall be located in or near a community which can provide the necessary supportive services for the facility such as physicians' services, medical facilities, public utilities, or other acceptable substitutes; and be located on a well-maintained, all-weather road. ~~(G)~~
- c) Each facility shall be served by a potable water supply with water pressure and volume that is acceptable to this Department. (B)
- d) Each facility shall have at least one ~~(1)~~ municipal or private fire hydrant, located within ~~three hundred~~ (300) feet of the building and satisfactory for use by the equipment of the fire department serving the building, or have an acceptable equivalent. Additional hydrants may be required if needed to properly protect the residents from fire hazards. (B-~~G~~-)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.3050 Administration and Public Areas

- a) Facilities for the physically handicapped (public, staff and residents) shall be provided in administration and public areas as well as in resident areas. ~~(G)~~
- b) Each facility shall be provided with sufficient administrative office space for clerical, financial, and managerial functions and provide satisfactory space which can be used for privacy in interviewing applicants ~~and for discussion with relatives etc.~~
- c) Each facility shall be provided with satisfactory space or an office for the administrator.
- d) Each facility shall be served by reliable telephone service.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.3060 Nursing Unit

## a) General Requirements for Bedrooms

- 1) Resident bedrooms shall have an entrance directly off of a corridor with an entrance door that swings into the room. Rooms used as bedrooms and included in the licensed capacity as of December 24, 1987, which do not open directly into corridors but instead open into large living/dining/activity areas, are exempt from this subsection (a)(1) ~~rule~~. However, no additional such rooms will be permitted to be established after December 24, 1987. ~~(G)~~
- 2) Resident bedrooms shall have adequate and satisfactory artificial light and be equipped in accordance with Section 300.3140(c). ~~(G)~~
- 3) Resident toilet rooms shall open directly into a corridor or into a resident's bedroom. ~~(B, G)~~
- 4) A closet or wardrobe at least four ~~(4)~~ square feet shall be provided for each resident. ~~(G)~~
- 5) No bedroom floor shall be more than three ~~(3)~~ feet below the adjacent ground level. ~~(G)~~
- 6) Each room used as a resident bedroom shall have at least one ~~(1)~~ outside window, and a total window area to the outside equal to at least one-tenth ~~(1/10)~~ the floor area of the room. ~~(G)~~
- 7) Nurses' call system shall be provided in accordance with Section 300.3140(e). ~~(B, G)~~
- 8) Visual privacy shall be provided for each resident in multibed rooms. Design for privacy shall not restrict resident access to entry, lavatory, or toilet. ~~(G)~~

## b) Resident Bedroom

- 1) Single resident bedrooms shall contain at least ~~one hundred~~ ~~(100)~~ square feet. Multiple resident bedrooms shall contain at least ~~eighty~~ ~~(80)~~ square feet per bed. Multiple bedrooms of not less than ~~seventy~~ ~~(70)~~ square feet per bed may be approved by the Department if services can be provided. Minimum usable floor area shall be exclusive of toilet rooms, closets, lockers, wardrobes, alcoves, vestibules, or clearly definable entryways. Those bedrooms for which

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.3060(b)(1) (continued)

- facilities ~~which~~ had waivers to this subsection (b)(1) ~~rule~~ ~~as of~~ on (and continuously since) December 24, 1987, and which have at least 90 square feet for single bedrooms and 70 square feet per bed for multi-bedrooms, are exempt from this subsection (b)(1) ~~rule~~. Those bedrooms for which facilities ~~which~~ had waivers to this subsection (b)(1) on (and continuously since) ~~as of~~ December 24, 1987, but which have less than 90 square feet for single bedrooms and 70 square feet per bed for multi-bedrooms, ~~must~~ continue to be subject to ~~apply for a~~ waiver procedures on an annual basis (See Section 300.320). ~~(G)~~
- 2) Maximum room capacity shall be four ~~(4)~~ residents. Beds shall be at least three ~~(3)~~ feet apart, and no more than three ~~(3)~~ beds deep from an outside wall. There shall be a minimum of ten ~~(10)~~ feet between walls or a wall and any built in furniture or storage space. ~~(G)~~
  - c) Special Care Room
    - 1) In Intermediate Care Facilities, provide a special care room for each ~~one hundred fifty~~ ~~(150)~~ beds. In Skilled Nursing Facilities, provide a special care room for each ~~fifty~~ ~~(50)~~ beds or portion thereof. ~~(G)~~
    - 2) Provide this room with a water closet, lavatory and all other necessary facilities to meet the resident's needs and as required to care for an ill resident. ~~(G)~~
    - 3) This room shall be located to provide proper and efficient supervision of the resident by the nursing staff. ~~(G)~~
    - 4) This room shall be included in the authorized maximum bed capacity for the facility.
    - 5) It is permissible for the room to be occupied by a resident, not in need of special care, provided the resident is clearly informed and understands he will be immediately transferred out of the room any time of day or night, whenever the room is needed to care for a resident requiring special care. ~~(G)~~
  - d) Nurses' Station
    - 1) Provide a minimum of one ~~(1)~~ nurses' station on each floor in skilled nursing facilities there shall be a station for each nursing unit). The station shall have direct access to a



## Section 300.3060(d)(1) (continued)

corridor, shall be located near the area it will serve, and shall be designed to provide visual control of the area. It shall be separated satisfactorily from the nurses' utility rooms. In Intermediate Care Facilities one ~~(1)~~ nurses' station serving two ~~(2)~~ floors housing residents is acceptable if there are less than ~~fifteen~~ ~~(15)~~ beds on an adjacent station. (B-~~6~~)

2) At least one ~~(1)~~ nurses' station shall have a medicine sink with hot and cold running water, a work counter, a medicine cabinet, and necessary equipment and furnishings (in skilled nursing facilities each nurses' stations shall be so equipped). ~~(C)~~

3) Provide a nurses' toilet and handwashing sink convenient to the nurses' station. ~~(C)~~

## e) Bath and Toilet Rooms

1) The maximum capacity of resident beds on each floor shall be used to determine the number of fixtures required even though some of the beds may not be occupied. ~~(C)~~

A) Provide a minimum of one ~~(1)~~ water closet, one ~~(1)~~ lavatory, and one ~~(1)~~ bathtub or shower for each sex on each floor occupied by residents. ~~(C)~~

B) Provide a minimum of one ~~(1)~~ lavatory and one ~~(1)~~ water closet for each ten ~~(10)~~ resident beds on each floor. ~~(C)~~

C) Provide a minimum of one ~~(1)~~ bathtub or shower for each ~~fifteen~~ ~~(15)~~ resident beds on each floor. ~~(C)~~

D) Each lavatory shall be provided with a well-illuminated mirror. ~~(C)~~

2) All bath and toilet rooms shall be easily accessible, and conveniently located. Group bath and toilet facilities shall be partitioned or curtained for privacy. ~~(C)~~

3) All showers, other than those for residents needing assistance in bathing, shall have minimum dimensions of three ~~(3)~~ feet by three ~~(3)~~ feet. ~~(C)~~

## Section 300.3060(e) (continued)

~~4) Shower stalls shall have a low or no curb at the entrance-opening. Under certain circumstances this may be waived but in no instance can the curb be higher than three (3) inches. (C)~~

4) ~~5)~~ If toilet rooms provided adjacent to residents' bedrooms are not large enough to permit use by wheelchair residents, at least one ~~(1)~~ toilet room or enclosure measuring five ~~(5)~~ feet by six ~~(6)~~ feet shall be provided on each floor housing residents (In Skilled Nursing Facilities there shall be one for each sex on each floor). Provide a lavatory usable by wheelchair residents in this room. ~~(C)~~

5) ~~6)~~ Provide on each floor at least one ~~(1)~~ bathing facility or enclosure of not less than eight ~~(8)~~ feet six ~~(6)~~ inches by eight ~~(8)~~ feet six ~~(6)~~ inches with an acceptable system for assistance in bathing persons with physical disabilities. If a shower is installed instead of a bathtub, such shower shall have a minimum dimension of four ~~(4)~~ feet wide by three ~~(3)~~ feet six ~~(6)~~ inches deep. These showers shall have a water inlet to which is connected a flexible hose with spray or shower head attached to the end of the hose. If desired, a conventional shower head installation may also be provided but it must be valved off from the lower water inlet. ~~(C)~~

## f) Utility Rooms

1) Every facility shall have clean and soiled utility functions in separate rooms. There shall be at least one ~~(1)~~ each of these rooms in the facility (In Skilled Nursing Facilities there shall be at least one ~~(1)~~ each of these rooms on each floor having resident bedrooms). ~~(C)~~

## 2) Clean Utility Room

A) The clean utility room shall be large enough to contain:

i) a work counter or table;

ii) a sink with drainboard;

iii) ample storage cabinets for clean and sterile supplies and equipment; and

iv) an autoclave, if required, for sterilizing needles, syringes, catheters, dressings, and similar items.



## Section 300.3060(f)(2) (continued)

- B) The autoclave may be located in the nurses' station area. The autoclave may be waived in lieu of other methods of sterilization approved by the Department. ~~(C)~~

## 3) Soiled Utility Room

- A) The soiled utility room shall be large enough to contain:

- i) a two compartment sink with drainboards;
  - ii) ample storage cabinets;
  - iii) a clinical rim flush sink for: rinsing bed pans, urinals, and linen soiled by solid materials, and similar type procedures; and
  - iv) equipment ~~and/or~~ and facilities for sanitizing bed pans, emesis basins, urine bottles, and other utensils, which meet accepted methods and procedures for such sanitation.
- B) Based upon approval of the program narrative, the Department will consider a waiver of this paragraph for Intermediate Care Facilities. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.3070 Living, Dining, Activities Rooms

- a) Provide at least one ~~(1)~~ comfortably furnished living room and dining room for use of residents. ~~(C)~~

- 1) The room ~~(s)~~ shall be an outside room and if combined shall have an area of not less than ~~twenty~~ ~~(20)~~ square feet per resident bed. ~~(C)~~
- 2) The dining room shall be sufficient in area to allow proper and comfortable service for the residents. ~~(C)~~
- 3) Be located so that the room is not an entrance vestibule from the out-of-doors. ~~(C)~~
- 4) The furniture shall be arranged so that it is not an obstruction to traffic in or out of the facility. ~~(C)~~

## Section 300.3070 (continued)

- b) The activity room may be combined with the living ~~and/or~~ or dining room.
- c) In multiple story buildings, living rooms must be provided on each floor unless a variance to this requirement is approved in writing by the Department. Such a variance may be granted based upon the population and condition of the residents.

- d) Additional interior rooms may be used for television, craft, or similar activities.

- e) Under no circumstances shall any of these rooms be used as a bedroom. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.3080 Treatment and Personal Care

Space and appropriate equipment shall be provided to meet the resident's needs for treatment, grooming and hair care. ~~(C)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.3090 Service Departments

## a) Kitchen

- 1) Provide a kitchen area, not including food storage area, of approximately ten ~~(10)~~ square feet per resident bed; this may be reduced for a facility with ~~forty~~ ~~(40)~~ or more beds. Any deviation from this requirement must receive approval from the Department. Such approval will only be granted if it can be shown that sufficient space can be provided to meet the needs of the residents. ~~(B, C)~~

- 2) Provide kitchen equipment in an arrangement for convenient operation, good sanitation, healthful working conditions and control of heat, noise, and odors. ~~(B, C)~~

- 3) Provide appropriate equipment for the preparation and serving of meals. ~~(B, C)~~

- 4) Provide refrigeration of perishable foods. ~~(B, C)~~



## Section 300.3090(a) (continued)

- 5) The kitchen shall be equipped with a two ~~(2)~~ compartment sink for washing and sanitizing dishes, pots, pans and utensils. A commercial type dishwasher is recommended. (B-~~1~~, ~~6~~)
- 6) The kitchen shall be provided with a handwashing lavatory. (B-~~1~~, ~~6~~)
- 7) The walls and ceilings of all food handling rooms shall be finished with smooth, washable, light-colored surfaces. ~~(6)~~
- 8) All openings to the outside shall be effectively screened during fly seasons, and screen doors shall be equipped with self-closing devices; or a satisfactory alternative method. ~~(6)~~
- 9) The kitchen shall be located so that no resident must pass through it to reach a bathroom, resident's bedroom, the living room, dining room, or the out-of-doors. (B-~~1~~, ~~6~~)
- 10) Provide approximately two and one-half ~~(2 1/2)~~ square feet per patient bed for bulk and daily food storage located in a room convenient to the kitchen. ~~(6)~~

## b) Laundry

- 1) Provide a laundry room equipped with adequate facilities for satisfactorily doing all laundering, unless a commercial laundry service is used. ~~(6)~~
- 2) Provide satisfactory and separate areas for soiled holding and sorting and clean linen storage. These may be in the same room if well defined and adequate separation is provided. ~~(6)~~
- 3) The laundry facilities shall not be located in a room used by residents, or for food storage, preparation or serving. It shall be located so that soiled linens are not carried through a food handling area to reach it. (B-~~1~~, ~~6~~)

## c) Storage

- 1) Provide a total area of approximately seven and one-half ~~(7 1/2)~~ square feet per resident bed for the storage area required in this section. ~~(6)~~
- 2) Provide adequate storage space for personal possessions of

## Section 300.3090(c) (2) (continued)

residents and staff, linens, supplies, and other items. This storage shall be such that it does not constitute a fire or accident hazard and will not be in the way of residents or staff. ~~(6)~~

- 3) Provide adequate storage space in the facility, out of the way of residents and staff, to store wheelchairs, walkers, and similar equipment temporarily not being used. ~~(6)~~
- 4) Provide closets for cleaning supplies, janitor's sinks, linen closets, storerooms for luggage, and furniture replacements. ~~(6)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

Section 300.3100 General Building Requirements ~~Building General~~

## a) Elevators

- 1) Provide a minimum of one ~~(1)~~ elevator in all buildings of three ~~(3)~~ or more stories in height. Additional elevators shall be provided as determined by the Department, based on the number, population, and condition of the residents. The basement, if it is used by residents, shall be considered as one ~~(1)~~ story. ~~(6)~~
  - 2) If ~~(1)~~ to ~~(2)~~ beds are located above the second floor, at least one ~~(1)~~ additional elevator shall be provided. If over ~~(200)~~ beds are located above the second floor, the number of additional elevators shall be determined by the Department. ~~(6)~~
  - 3) The administrator of the facility must be able to demonstrate to the Department the ability to transfer a patient according to physician's orders using existing elevators and elevator doors. ~~(6)~~
- b) Handrails and Grab Bars
- 1) Handrails shall be provided on both sides of all corridors, stairs, and ramps. Handrails shall be one ~~(1)~~ and one-half ~~(1 1/2)~~ inches in diameter and one ~~(1)~~ and one-half ~~(1 1/2)~~ inches minimum clear of the wall. The height shall be ~~(30)~~ to ~~(34)~~ inches measured vertically



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.3060(f)(2) (continued)

- B) The autoclave may be located in the nurses' station area. The autoclave may be waived in lieu of other methods of sterilization approved by the Department. ~~(G)~~

## 3) Soiled Utility Room

- A) The soiled utility room shall be large enough to contain:

- i) a two compartment sink with drainboards;
- ii) ample storage cabinets;
- iii) a clinical rim flush sink for: rinsing bed pans, urinals, and linen soiled by solid materials, and similar type procedures; and
- iv) equipment ~~and/or~~ and facilities for sanitizing bed pans, emesis basins, urine bottles, and other utensils, which meet accepted methods and procedures for such sanitation.

- B) Based upon approval of the program narrative, the Department will consider a waiver of this paragraph for Intermediate Care Facilities. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.3070 Living, Dining, Activities Rooms

- a) Provide at least one ~~(1)~~ comfortably furnished living room and dining room for use of residents. ~~(G)~~

- 1) The room ~~(s)~~ shall be an outside room and if combined shall have an area of not less than ~~twenty~~ ~~(20)~~ square feet per resident bed. ~~(G)~~
- 2) The dining room shall be sufficient in area to allow proper and comfortable service for the residents. ~~(G)~~
- 3) Be located so that the room is not an entrance vestibule from the out-of-doors. ~~(G)~~
- 4) The furniture shall be arranged so that it is not an obstruction to traffic in or out of the facility. ~~(G)~~

## ILLINOIS REGISTER

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.3070 (continued)

- b) The activity room may be combined with the living ~~and/or~~ or dining room.
- c) In multiple story buildings, living rooms must be provided on each floor unless a variance to this requirement is approved in writing by the Department. Such a variance may be granted based upon the population and condition of the residents.

- d) Additional interior rooms may be used for television, craft, or similar activities.

- e) Under no circumstances shall any of these rooms be used as a bedroom. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.3080 Treatment and Personal Care

Space and appropriate equipment shall be provided to meet the resident's needs for treatment, grooming and hair care. ~~(G)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.3090 Service Departments

## a) Kitchen

- 1) Provide a kitchen area, not including food storage area, of approximately ten ~~(10)~~ square feet per resident bed; this may be reduced for a facility with ~~forty~~ ~~(40)~~ or more beds. Any deviation from this requirement must receive approval from the Department. Such approval will only be granted if it can be shown that sufficient space can be provided to meet the needs of the residents. ~~(B, G)~~
- 2) Provide kitchen equipment in an arrangement for convenient operation, good sanitation, healthful working conditions and control of heat, noise, and odors. ~~(B, G)~~
- 3) Provide appropriate equipment for the preparation and serving of meals. ~~(B, G)~~
- 4) Provide refrigeration of perishable foods. ~~(B, G)~~



## Section 300.3090(a) (continued)

- 5) The kitchen shall be equipped with a two ~~(2)~~ compartment sink for washing and sanitizing dishes, pots, pans and utensils. A commercial type dishwasher is recommended. (B-~~7~~-~~6~~)
- 6) The kitchen shall be provided with a handwashing lavatory. (B-~~7~~-~~6~~)
- 7) The walls and ceilings of all food handling rooms shall be finished with smooth, washable, light-colored surfaces. ~~(6)~~
- 8) All openings to the outside shall be effectively screened during fly seasons, and screen doors shall be equipped with self-closing devices; or a satisfactory alternative method. ~~(6)~~
- 9) The kitchen shall be located so that no resident must pass through it to reach a bathroom, resident's bedroom, the living room, dining room, or the out-of-doors. (B-~~7~~-~~6~~)
- 10) Provide approximately two and one-half ~~(2-1/2)~~ square feet per patient bed for bulk and daily food storage located in a room convenient to the kitchen. ~~(6)~~

## b) Laundry

- 1) Provide a laundry room equipped with adequate facilities for satisfactorily doing all laundering, unless a commercial laundry service is used. ~~(6)~~
- 2) Provide satisfactory and separate areas for soiled holding and sorting and clean linen storage. These may be in the same room if well defined and adequate separation is provided. ~~(6)~~
- 3) The laundry facilities shall not be located in a room used by residents, or for food storage, preparation or serving. It shall be located so that soiled linens are not carried through a food handling area to reach it. (B-~~7~~-~~6~~)

## c) Storage

- 1) Provide a total area of approximately seven and one-half ~~(7-1/2)~~ square feet per resident bed for the storage area required in this section. ~~(6)~~
- 2) Provide adequate storage space for personal possessions of

## Section 300.3090(c)(2) (continued)

residents and staff, linens, supplies, and other items. This storage shall be such that it does not constitute a fire or accident hazard and will not be in the way of residents or staff. ~~(6)~~

- 3) Provide adequate storage space in the facility, out of the way of residents and staff, to store wheelchairs, walkers, and similar equipment temporarily not being used. ~~(6)~~
- 4) Provide closets for cleaning supplies, janitor's sinks, linen closets, storerooms for luggage, and furniture replacements. ~~(6)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

Section 300.3100 General Building Requirements ~~Building General~~

## a) Elevators

- 1) Provide a minimum of one ~~(1)~~ elevator in all buildings of three ~~(3)~~ or more stories in height. Additional elevators shall be provided as determined by the Department, based on the number, population, and condition of the residents. The basement, if it is used by residents, shall be considered as one ~~(1)~~ story. ~~(6)~~
- 2) If ~~(1)~~ to ~~(2)~~ beds are located above the second floor, at least one ~~(1)~~ additional elevator shall be provided. If over ~~(200)~~ beds are located above the second floor, the number of additional elevators shall be determined by the Department. ~~(6)~~
- 3) The administrator of the facility must be able to demonstrate to the Department the ability to transfer a patient according to physician's orders using existing elevators and elevator doors. ~~(6)~~

## b) Handrails and Grab Bars

- 1) Handrails shall be provided on both sides of all corridors, stairs, and ramps. Handrails shall be one ~~(1)~~ and one-half ~~(1-1/2)~~ inches in diameter and one ~~(1)~~ and one-half ~~(1-1/2)~~ inches minimum clear of the wall. The height shall be ~~(30)~~ to ~~(34)~~ inches measured vertically



ILLINOIS REGISTER  
DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

Section 300.3100(b)(1) (continued)

from floor surface. Refer to the rules of the Capital Development Board entitled "State of Illinois Accessibility Code" (71 Ill. Adm. Code 400) Standards for other acceptable handrail dimensions and details. (B, G)

- 2) Grab bars shall be provided at all resident toilets, showers, tubs, and sitz bath, etc. Refer to the rules of the Capital Development Board entitled "State of Illinois Accessibility Code" (71 Ill. Adm. Code 400) Standards for grab bar dimensions and details. (B, G)

c) Ceiling Heights

- 1) All rooms occupied by or used by residents shall have not less than eight (8) feet ceiling height. (G)
- 2) Corridors, storage rooms, toilet rooms and other minor rooms shall have not less than seven feet eight inches (7'-8") ceiling height. (G)
- 3) Suspended tracks, rails and pipes located in the path of traffic shall not be less than six feet eight inches (6'-8") above the floor. (G)

d) Doors and Windows

- 1) Main entrance and exit doors shall swing outward and be provided with door closers and panic-hardware. (B, G)
- 2) All exterior doors shall be equipped with a signal that will alert the staff if a resident leaves the building. Any exterior door that is supervised during certain periods may have a disconnect device for part-time use. If there is constant ~~twenty-four (24)~~ hour a day supervision of the door, a signal is not required. (B, G)
- 3) Locks installed on resident bedroom doors shall be so arranged that they can be quickly and easily unlocked from the corridor side. All such locks shall be arranged to permit exit from the room by a simple operation without the use of a key. The door may be lockable by the occupant if the door can be unlocked from the corridor side and the keys are carried by the attendants at all times. (B, G)
- 4) Resident toilet rooms shall open directly into a corridor or into a resident's bedroom. (B, G)

Section 300.3100(d) (continued)

- 5) The doors for the toilet rooms used by residents shall have a minimum door width of ~~thirty (30)~~ inches. (B, G)
  - 6) No toilet or bathroom door shall be provided with hardware which could allow a resident to become locked in the room. All toilet or bathroom doors and hardware shall be designed to permit emergency egress from the room. (B, G)
  - 7) Thresholds or parting strips in doorways used by residents shall be flush with the floor. (G)
  - 8) Doors and windows shall fit snugly and be weather tight, and shall open and close easily. (G)
  - 9) Outside doors, other than required exits, and operable windows shall be equipped with tight-fitting, 16-mesh screens. Screen doors shall be equipped with self-closing devices. (G)
- e) Floors
- 1) Floors shall be smooth, free from cracks and finished so that they can be easily and properly cleaned. (B, G)
  - 2) Floors in bathrooms, kitchens, and utility rooms shall be completely covered with water resistant material. (B, G)
- f) Walls and Ceilings
- 1) Walls and ceilings shall have sound construction, covered with plaster or sheet rock or similar material in good repair, and free from cracks or holes to permit proper cleaning. (G)
  - 2) Be constructed and maintained so as to prevent the entrance and harborage of rats, mice, flies, and other vermin. (G)
- g) Exit corridor walls shall be one ~~(1)~~ hour fire rated construction. Adjoining open spaces shall not be greater than ~~four hundred (400)~~ square feet. Provide direct visual supervision of these open spaces and equip them with an electrically supervised smoke detection system. (B, G)
- h) There shall be at least one ~~(1)~~ approved fire extinguisher in all basements, furnace rooms, and kitchens. In addition, there shall be on each floor of the building, extinguishers located so a person will not have to travel more than ~~fifty (50)~~ feet from any point to



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.3100(h) (continued)

reach one. They shall be inspected annually and recharged when necessary. The date of checking and recharging shall be recorded on a tag attached to the extinguisher. (B-6-)

- i) Approved containers with proper covers shall be provided for daily storage of rubbish. (B-6-)
- j) Housekeeping throughout the building, including basements, attics, and unoccupied rooms shall be adequately performed to minimize all fire hazards. (B-6-)
- k) Comply with any reasonable additional fire protection measures recommended by the Department over and above these requirements or the Office of the State Fire Marshall if conditions in and around building, including its location, indicate that such additional protection is needed. (B-6-)
- l) Facilities shall have no other business in the building which is unrelated to health care that constitutes a hazard or annoyance to the residents. In any case, the business shall be in a segregated portion of the building and must be approved by the Department. Such approval will be granted only when it can be shown that the business will not interfere in any way with the residents. (A, B-6-)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.3110 Structural

- a) Buildings and all parts thereof shall be maintained structurally to support all dead, live and lateral loads. (B-6-)
- b) Buildings shall be maintained in good repair. Buildings that show signs of distress shall be repaired immediately. (B-6-)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.3120 Mechanical Systems

- a) Mechanical systems shall be maintained to assure proper working order and safe operation. Instructions in the operational use of the systems and equipment must be available at the facility. (B-6-)
- b) Thermal and Acoustical Insulation. It is recommended that insulation

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.3120(b) (continued)

be provided for the following:

- 1) Boilers, smoke breeching, and stacks.
- 2) Steam supply and condensate return piping.
- 3) Hot water piping above 180 degrees Fahrenheit and all hot water heaters, generators, and converters.
- 4) Hot water piping above 125 degrees Fahrenheit which is exposed to contact by residents.
- 5) Chilled water, refrigerant, other process piping and equipment operating with fluid temperatures below ambient dew point.
- 6) Water supply and drainage piping on which condensation may occur.
- 7) Air ducts and casings with outside surface temperature below ambient dew point.
- 8) Other piping, ducts, and equipment as necessary to maintain the efficiency of the system.
- 9) Insulation may be omitted from hot water and steam condensate piping not subject to contact by residents when such insulation is not necessary for preventing excessive systems heat loss or excessive heat gain.
- 10) Insulation on cold surfaces shall include an exterior vapor barrier. (B-6-)
- 11) Insulation including finishes and adhesives on exterior surfaces of ducts, pipes, and equipment shall have a flame spread rating of 25 or less and a smoke developed rating of 150 or less as determined by an independent testing laboratory in accordance with ASTM Standard E 84. Exception: Duct, pipe and equipment coverings shall not be required to meet these requirements where they are located entirely outside of a building or do not penetrate a wall or roof or do not create an exposure hazard. (B-6-)

- c) Steam and Hot Water Systems. It is recommended that supply and return mains and risers for cooling, heating and process steam systems be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return ends. (B-6-)



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

Section 300.3120 (continued)

d) Heating, Cooling, and Ventilating Systems

- 1) The heating system shall be capable of maintaining a temperature of 75 degrees Fahrenheit in all resident use spaces. ~~(C)~~
- 2) Auxiliary gas or electric space heaters of an approved closed type may be installed in areas requiring more heat than is produced by the central heating system. Heaters or furnaces of a type to be installed under, in, or on the floor are not permitted. ~~(B, C)~~
- 3) All ventilation supply return and exhaust systems shall be mechanically operated. ~~(C)~~
- 4) The kitchen shall be provided with ventilation for reasonable comfort and with sufficient make-up air for the rangehood exhaust. ~~(B, C)~~
- 5) The laundry shall be provided with ventilation for reasonable comfort with air flowing from clean areas to soiled areas with exhaust to the outdoors. ~~(B, C)~~
- 6) It is recommended that outdoor air intakes be located as far as practical but not less than 15 feet from the exhaust outlets of ventilation systems, combustion equipment stacks, plumbing vent stacks, or from areas which may collect vehicular exhaust and other noxious fumes. The bottom of outdoor air intakes serving central systems should be located as high as practical but not less than ~~6~~ six feet above ground level, or if installed above the roof, ~~3~~ three feet above roof level. ~~(C)~~
- 7) Air conditioning and ventilating systems shall be maintained to conform to the requirements of NFPA 90A. ~~(A, B, C)~~
- 8) The hood and duct system for cooking equipment shall be in conformance with NFPA 96. That portion of the fire extinguishment system required for protection of the duct system maybe omitted when all cooking equipment is served by a grease extractor listed by Underwriter's Laboratory or other independent testing laboratory. ~~(A, B, C)~~
- 9) Boiler rooms and other rooms housing combustion equipment shall be provided with sufficient outdoor air to maintain proper combustion rates. ~~(A, B, C)~~
- 10) A capability shall be provided to maintain a temperature of at

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

Section 300.3120(d)(10) (continued)

least ~~fifty-five~~ ~~(55)~~ degrees Fahrenheit for at least ~~twelve~~ ~~(12)~~ hours when the normal source of electrical power is interrupted. ~~(A, B, C)~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

Section 300.3130 Plumbing Systems

a) General Plumbing Requirements

- 1) All plumbing systems shall be designed and installed in accordance with the requirements of the Illinois Plumbing Code (77 Ill. Adm. Code 890) except that the number of water closets, lavatories, bath tubs, showers and other fixtures shall be as required by these Requirements and the facility program. ~~(B, C)~~
- 2) New and replacement equipment, fixtures and fittings for mechanical, plumbing and electrical systems shall conform to and be installed in accordance with Subpart N of these standards.
- b) Plumbing Fixtures
  - 1) Plumbing fixtures shall be of nonabsorptive acid-resistant materials and shall be kept in good repair. ~~(C)~~
  - 2) Clinical rim flush sinks shall have an integral trap in which the upper portion of the trap seal provides a visible water surface. ~~(C)~~
  - 3) The kitchen shall be equipped with a two ~~(2)~~ compartment sink for washing pots and pans. One ~~(1)~~ compartment shall contain no less than ~~fourteen~~ ~~(14)~~ inches depth of 170 degrees Fahrenheit water. A commercial type dishwasher is recommended. ~~(C)~~
  - 4) When existing showers or tubs are replaced or additional showers or tubs provided, the shower bases and tub bottoms shall be provided with nonslip surfaces.
- c) Water Supply Systems
  - 1) Water supply systems shall be designed to supply potable water at sufficient pressure and volume to operate all plumbing fixtures and equipment during maximum demand periods. ~~(C)~~



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.3130(c) (continued)

- 2) It is recommended that each water service main, branch main, riser and branch to a group of fixtures be valved. Stop valves should be provided at each fixture.
- 3) Hot water distribution systems shall be arranged to provide hot water at each hot water outlet at all times. (B, ~~C~~)
- 4) Hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B, ~~C~~)
- 5) Protective measures, such as but not limited to, installation of a mixing valve, limited access to controls, and checking water temperatures daily at various points, shall be implemented to insure that the temperature of hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B, ~~C~~)
- d) Hot Water Heaters and Tanks. Water storage tanks shall be fabricated or corrosion resistant metal or lined with noncorrosive material. ~~(C)~~
- e) Drainage Systems. Special precautions shall be taken to protect food preparation, serving or storage areas from possible leakage or condensation from necessary overhead piping systems. (B, ~~C~~)
- f) Fire Extinguishment Systems. All fire extinguishment systems shall be designed and installed in accordance with NFPA 101 and NFPA 13. All fire extinguishment systems shall be maintained in accordance with NFPA 13A. (A, B, ~~C~~)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.3140 Electrical Requirements

- a) The electrical installation for existing facilities shall continue to meet all the requirements of the National Electrical Code, effective at the time of approval by the Department of final drawings and specification or the inspection of the building. (A, B, ~~C~~)
- b) Circuit breakers or fusible switches that provide disconnecting means and overcurrent protection for conductors connected to switchboards and panelboards shall be enclosed or guarded to provide a dead-front type of assembly. Overload protective devices shall be suitable for

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.3140(b) (continued)

- c) Lighting.
  - operating properly in ambient temperature conditions. ~~(C)~~
  - 1) All spaces occupied by people, machinery, or equipment within buildings, approaches to buildings, and parking lots shall have lighting. ~~(C)~~
  - 2) Resident's rooms shall have general lighting. A reading light shall be provided for each resident. ~~(C)~~
- d) Receptacles Convenience Outlets. Each resident room shall have adequate duplex type receptacles. ~~(C)~~
- e) Nurses' Calling System.
  - 1) In resident areas, each room shall be served by at least one calling station and each bed shall be provided with a call station. One call station may serve two adjacent beds. Call shall register at a central station serving the floor. In intermediate facilities only, an intercommunication system which provides only voice communication between a resident room and the nurses' station will be approved by the Department. (B, ~~C~~)
  - 2) A nurses' call emergency station shall be provided for residents' use at each resident's toilet, bath, and shower location. The cord shall be long enough to reach within ~~6"~~ six inches of the floor. See Section 300.3140 (e)(1) for exception of intermediate facilities only. (B, ~~C~~)
- f) Door Alarm System. See Section 300.3100(d)(2). (B, ~~C~~)
- g) Fire Alarm System
  - 1) A manually-operated, electrically-supervised fire alarm system shall be installed. Pre-signal systems are not permitted. (A, B, ~~C~~)
  - 2) There shall be an approved fire detection and alarm system throughout the facility. (A, B, ~~C~~)
  - 3) The fire alarm signals shall automatically transmit the alarm to any available municipal fire department by direct private line or through an approved central station. (A, B, ~~C~~)



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.3140(g) (continued)

- 4) Fire alarms shall be activated by manual stations and all detection systems and flow alarm devices and sprinkler systems. (A, B, ~~C~~)

h) Emergency Electrical Requirements (B, ~~C~~)

- 1) To provide electricity during an interruption of the normal electric supply, an emergency source of electricity shall be provided and connected to certain circuits for lighting and power. (B, ~~C~~)
- 2) The source of this emergency electrical service shall be one of the following: (B, ~~C~~)
  - A) An emergency generating set when the normal service is supplied by only one central station transmission line.
  - B) Automatic battery operated systems or equipment that will be effective four ~~(4)~~ or more hours and will be capable of supplying power for lighting for exit signs, exit corridors, stairways, nurses' stations, communication system, and all alarm systems, including the nurses' call system.
  - C) An approved dual source of normal power. Such a dual source of normal power shall consist of two ~~(2)~~ or more electrical services fed from separate generator sets or a utility distribution network having multiple power input sources and arranged to provide mechanical and electrical separation so that a fault between the facility and the generating sources will not likely cause an interruption of more than one of the facility service feeders. An automatic transfer switch is required between the facility service feeders.
- 3) Provide emergency electrical service for: (B, ~~C~~)
  - A) illumination of means of egress as necessary for corridors, passageways, stairways, landings and exit doors and all ways of approach to and through exits including outside lights.
  - B) exit signs and exit directional signs.
  - C) fire alarm systems and detection systems.

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.3140(h)(3) (continued)

- D) communication systems which are used for issuing instructions,
- E) task illumination in the nurses station.
- F) nurse call system.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## SUBPART P: RESIDENT'S RIGHTS

## Section 300.3210 General

- a) NO RESIDENT SHALL BE DEPRIVED OF ANY RIGHTS, BENEFITS, OR PRIVILEGES GUARANTEED BY LAW BASED ON THEIR STATUS AS A RESIDENT OF A FACILITY. (A, B, ~~C~~) (Section 2-101 of the Act)
- b) A RESIDENT SHALL BE PERMITTED TO RETAIN AND USE OR WEAR HIS PERSONAL PROPERTY IN HIS IMMEDIATE LIVING QUARTERS, UNLESS DEEMED MEDICALLY INAPPROPRIATE BY A PHYSICIAN AND SO DOCUMENTED IN THE RESIDENT'S CLINICAL RECORD. ~~(C)~~ (Section 2-103 of the Act)
- c) IF CLOTHING IS PROVIDED TO THE RESIDENT BY THE FACILITY IT SHALL BE OF A PROPER FIT. ~~(C)~~ (Section 2-103 of the Act)
- d) THE FACILITY SHALL PROVIDE ADEQUATE AND CONVENIENT STORAGE SPACE FOR THE PERSONAL PROPERTY OF THE RESIDENT. ~~(C)~~ (Section 2-103 of the Act)
- e) THE FACILITY SHALL PROVIDE A MEANS OF SAFEGUARDING SMALL ITEMS OF VALUE FOR ITS RESIDENTS IN THEIR ROOMS OR IN ANY OTHER PART OF THE FACILITY SO LONG AS THE RESIDENTS HAVE DAILY ACCESS TO SUCH VALUABLES. ~~(C)~~ (Section 2-103 of the Act)
- f) THE FACILITY SHALL DEVELOP PROCEDURES FOR INVESTIGATING COMPLAINTS CONCERNING THEFT OR RESIDENT'S PROPERTY AND SHALL PROMPTLY INVESTIGATE ALL SUCH COMPLAINTS. ~~(C)~~ (Section 2-103 of the Act)
- g) THE FACILITY ADMINISTRATOR SHALL ENSURE THAT MARRIED RESIDENTS RESIDING IN THE SAME FACILITY BE ALLOWED TO RESIDE IN THE SAME ROOM WITHIN THE FACILITY UNLESS THERE IS NO ROOM AVAILABLE IN THE FACILITY OR IT IS DEEMED MEDICALLY INADVISABLE BY THE RESIDENT'S ATTENDING PHYSICIAN AND SO DOCUMENTED IN THE RESIDENT'S MEDICAL RECORDS. ~~(C)~~ (Section 2-108(e) of the Act)



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.3210 (continued)

- h) There shall be no traffic through a resident's room to reach any other area of the building. (B-~~6~~-6)
- i) Children under ~~sixteen~~ ~~(16)~~ years of age who are related to employees or owners of a facility, and who are not themselves employees of the facility, shall be restricted to quarters reserved for family or employee use except during times when such children are part of a group visiting the facility as part of a planned program, or similar activity. ~~(C)~~
- j) A RESIDENT MAY REFUSE TO PERFORM LABOR FOR A FACILITY. ~~(C)~~  
(Section 2-113 of the Act)
- k) A RESIDENT SHALL BE PERMITTED THE FREE EXERCISE OF RELIGION. UPON A RESIDENT'S REQUEST, AND IF NECESSARY AT HIS EXPENSE, THE FACILITY ADMINISTRATOR SHALL MAKE ARRANGEMENTS FOR A RESIDENT'S ATTENDANCE AT RELIGIOUS SERVICES OF THE RESIDENT'S CHOICE. HOWEVER, NO RELIGIOUS BELIEFS OR PRACTICES, OR ATTENDANCE AT RELIGIOUS SERVICES, MAY BE IMPOSED UPON ANY RESIDENT. ~~(C)~~ (Section 2-109 of the Act)
- l) All facilities shall comply with the ~~"Illinois"~~ Election Code— (Ill. Rev. Stat. 1987, ch. 46, par. 1-1 et seq.) as it pertains to absentee voting for residents of licensed long-term care facilities. ~~(C)~~
- m) THE FACILITY SHALL IMMEDIATELY NOTIFY THE RESIDENT'S NEXT OF KIN, REPRESENTATIVE AND PHYSICIAN OF THE RESIDENT'S DEATH OR WHEN THE RESIDENT'S DEATH APPEARS TO BE IMMINENT. ~~(C)~~ (Section 2-208 of the Act)
- n) The facility shall also immediately notify the resident's family, guardian, representative, conservator and any private or public agency financially responsible for the resident's care whenever unusual circumstances such as accidents, sudden illness, disease, unexplained absences, extraordinary resident charges, billings, or related administrative matters arise. (B-~~6~~-6)
- o) WHERE A RESIDENT, A RESIDENT'S REPRESENTATIVE OR A RESIDENT'S NEXT OF KIN BELIEVES THAT AN EMERGENCY EXISTS EACH OF THEM, COLLECTIVELY OR SEPARATELY, MAY FILE A VERIFIED PETITION TO THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE FACILITY IS LOCATED FOR AN ORDER PLACING THE FACILITY UNDER THE CONTROL OF A RECEIVER. ~~(C)~~ (Section 3-503 of the Act)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.3220 Medical and Personal Care Program

- a) A RESIDENT SHALL BE PERMITTED TO RETAIN THE SERVICES OF HIS OWN PERSONAL PHYSICIAN AT HIS OWN EXPENSE UNDER AN INDIVIDUAL OR GROUP PLAN OF HEALTH INSURANCE, OR UNDER ANY PUBLIC OR PRIVATE ASSISTANCE PROGRAM PROVIDING SUCH COVERAGE. (B-~~6~~-6) (Section 2-104(a) of the Act)
- b) THE DEPARTMENT SHALL NOT PRESCRIBE THE COURSE OF MEDICAL TREATMENT PROVIDED TO AN INDIVIDUAL RESIDENT BY THE RESIDENT'S PHYSICIAN IN A FACILITY. ~~(C)~~ (Section 2-104(a) of the Act)
- c) ALL RESIDENTS ~~EVERY RESIDENT~~ SHALL BE PERMITTED TO OBTAIN FROM THEIR ~~HIS~~ OWN PHYSICIAN OR THE PHYSICIAN ATTACHED TO THE FACILITY COMPLETE AND CURRENT INFORMATION CONCERNING HIS MEDICAL DIAGNOSIS, TREATMENT AND PROGNOSIS IN TERMS AND LANGUAGE THE RESIDENT CAN REASONABLY BE EXPECTED TO UNDERSTAND. ~~(C)~~ (Section 2-104(a) of the Act)
- d) ALL RESIDENTS ~~EVERY RESIDENT~~ SHALL BE PERMITTED TO PARTICIPATE IN THE PLANNING OF THEIR ~~HIS~~ TOTAL CARE AND MEDICAL TREATMENT TO THE EXTENT THAT THEIR ~~HIS~~ CONDITION PERMITS. ~~(C)~~ (Section 2-104(a) of the Act)
- e) NO RESIDENT SHALL BE SUBJECTED TO EXPERIMENTAL RESEARCH OR TREATMENT WITHOUT FIRST OBTAINING HIS INFORMED, WRITTEN CONSENT. THE CONDUCT OF ANY EXPERIMENTAL RESEARCH OR TREATMENT SHALL BE AUTHORIZED AND MONITORED BY AN INSTITUTIONAL REVIEW COMMITTEE APPOINTED BY THE ADMINISTRATOR OF THE FACILITY WHERE SUCH RESEARCH AND TREATMENT IS CONDUCTED. (A, B, ~~6~~-6) (Section 2-104(a) of the Act)
- f) EVERY RESIDENT SHALL BE PERMITTED TO REFUSE MEDICAL TREATMENT AND TO KNOW THE CONSEQUENCES OF SUCH ACTION, UNLESS SUCH REFUSAL WOULD BE HARMFUL TO THE HEALTH AND SAFETY OF OTHERS AND SUCH HARM IS DOCUMENTED BY A PHYSICIAN IN THE RESIDENT'S CLINICAL RECORD. (B-~~6~~-6) (Section 2-104(b) of the Act)
- g) Inspection and Copying of Records
- 1) EVERY RESIDENT, RESIDENT'S GUARDIAN, OR PARENT (IF THE RESIDENT IS A MINOR) SHALL BE PERMITTED TO INSPECT AND COPY ALL OF THE RESIDENT'S ~~HIS~~ CLINICAL AND OTHER RECORDS CONCERNING THE RESIDENT'S ~~HIS~~ CARE AND MAINTENANCE KEPT BY THE FACILITY OR BY THE RESIDENT'S ~~HIS~~ PHYSICIAN ~~(see Section 2-104(e) of the Act)~~. ~~(C)~~ (Section 2-104(c) of the Act)
- 2) EVERY RESIDENT'S REPRESENTATIVE SHALL BE PERMITTED TO INSPECT AND COPY THE RESIDENT'S RECORDS. A "RESIDENT'S REPRESENTATIVE"



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.3220(g)(2) (continued)

IS A PERSON, OTHER THAN THE OWNER OR AGENT OR EMPLOYEE OF A FACILITY WHO IS NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR WHOM NO GUARDIAN HAS BEEN APPOINTED ~~(see Sections 2-202(k) and 1-123 of the Act)~~. ~~(G)~~ (Sections 1-123 and 2-202(h) of the Act)

- h) ALL RESIDENTS ~~A RESIDENT~~ SHALL BE PERMITTED RESPECT AND PRIVACY IN THEIR ~~PHYSICAL~~ MEDICAL AND PERSONAL CARE PROGRAM. EVERY RESIDENT'S CASE DISCUSSION, CONSULTATION, EXAMINATION AND TREATMENT SHALL BE CONFIDENTIAL AND SHALL BE CONDUCTED DISCREETLY, AND THOSE PERSONS NOT DIRECTLY INVOLVED IN THE RESIDENT'S CARE MUST HAVE THE RESIDENT'S ~~HIS~~ PERMISSION TO BE PRESENT. (B, ~~G~~) (Section 2-105 of the Act)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.3230 Restraints

- a) NEITHER PHYSICAL RESTRAINTS NOR CONFINEMENTS SHALL BE EMPLOYED FOR THE PURPOSE OF PUNISHMENT OR FOR THE CONVENIENCE OF ANY FACILITY PERSONNEL. NO PHYSICAL RESTRAINTS OR CONFINEMENTS SHALL BE EMPLOYED EXCEPT AS ORDERED BY A PHYSICIAN WHO DOCUMENTS THE NEED FOR SUCH RESTRAINTS OR CONFINEMENTS IN THE RESIDENT'S CLINICAL RECORD. (B, ~~G~~) (Section 2-106 of the Act)

- b) Restraints and confinements may be employed only when necessary to prevent a resident from injuring himself or others. The physician's written authorization shall specify the precise time periods and conditions in which any restraints and confinements shall be employed. (B, ~~G~~)

- c) No chemical, medication or tranquilizer shall be employed by a facility as a restraint or confinement in lieu of or in addition to any physical restraint or confinement. Such chemicals, medications or tranquilizers may only be employed as part of a duly prescribed therapeutic medical treatment program authorized by the resident's physician and documented in the resident's clinical record. (B, ~~G~~)

- d) No resident shall be subjected to any behavior modification program which utilizes restraints, confinements, or adverse stimuli of any nature unless and until the informed consent of such resident, resident's guardian, or parent of a minor resident has been obtained. (B, ~~G~~)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.3240 Abuse and Neglect

- a) AN OWNER, LICENSEE, ADMINISTRATOR, EMPLOYEE OR AGENT OF A FACILITY SHALL NOT ABUSE OR NEGLECT A RESIDENT. (A, B, ~~G~~) (Section 2-107 of the Act)

- b) A FACILITY EMPLOYEE OR AGENT WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL IMMEDIATELY REPORT THE MATTER TO THE FACILITY ADMINISTRATOR. ~~(G)~~ (Section 3-610 of the Act)

- c) A FACILITY ADMINISTRATOR WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL IMMEDIATELY REPORT THE MATTER BY TELEPHONE AND IN WRITING TO THE RESIDENT'S REPRESENTATIVE ~~OR IF HE IS NOT AVAILABLE THEN TO THE DEPARTMENT~~. ~~(G)~~ (Section 3-610 of the Act)

- d) A FACILITY ADMINISTRATOR, EMPLOYEE, OR AGENT WHO BECOMES AWARE OF ABUSE OR NEGLECT OF A RESIDENT SHALL ALSO REPORT THE MATTER TO THE DEPARTMENT. (Section 3-610 of the Act)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.3250 Communication and Visitation

- a) EVERY RESIDENT SHALL BE PERMITTED UNIMPEDED, PRIVATE AND UNCENSORED COMMUNICATION OF HIS CHOICE BY MAIL, PUBLIC TELEPHONE OR VISITATION. ~~(G)~~ (Section 2-108 of the Act)

- b) THE FACILITY ADMINISTRATOR SHALL ENSURE THAT CORRESPONDENCE IS CONVENIENTLY RECEIVED AND MAILED, AND THAT TELEPHONES ARE REASONABLY ACCESSIBLE. ~~(G)~~ (Section 2-108(a) of the Act)

- c) THE FACILITY ADMINISTRATOR SHALL ENSURE THAT RESIDENTS MAY HAVE PRIVATE VISITS AT ANY REASONABLE HOUR UNLESS SUCH VISITS ARE NOT MEDICALLY ADVISABLE FOR THE RESIDENT AS DOCUMENTED IN THE RESIDENT'S CLINICAL RECORD BY THE RESIDENT'S PHYSICIAN. ~~(G)~~ (Section 2-108(a) of the Act)

- d) The facility shall allow daily visiting between 10 A.M. and 8 P.M. These visiting hours shall be posted in plain view of visitors. ~~(G)~~

- e) THE FACILITY ADMINISTRATOR SHALL ENSURE THAT SPACE FOR VISITS IS AVAILABLE AND THAT FACILITY PERSONNEL KNOCK, EXCEPT IN AN EMERGENCY, BEFORE ENTERING ANY RESIDENT'S ROOM. ~~(G)~~ (Section 2-108(c) of the Act)



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.3250 (continued)

f) UNIMPEDED, PRIVATE AND UNCENSORED COMMUNICATION BY MAIL, PUBLIC TELEPHONE, AND VISITATION MAY BE REASONABLE RESTRICTED BY A PHYSICIAN ONLY IN ORDER TO PROTECT THE RESIDENT OR OTHERS FROM HARM, HARASSMENT OR INTIMIDATION PROVIDED THAT THE REASON FOR ANY SUCH RESTRICTION IS PLACED IN THE RESIDENT'S CLINICAL RECORD BY THE PHYSICIAN AND THAT NOTICE OF SUCH RESTRICTION SHALL BE GIVEN TO ALL RESIDENTS UPON ADMISSION. ~~-(G)-~~ (Section 2-108(d) of the Act)

g) Notwithstanding ~~regulation~~ subsection (f) of this Section ~~above~~, ALL LETTERS ADDRESSED BY A RESIDENT TO THE GOVERNOR, MEMBERS OF THE GENERAL ASSEMBLY, ATTORNEY GENERAL, JUDGES, STATE'S ATTORNEYS, OFFICERS OF THE DEPARTMENT, OR LICENSED ATTORNEYS AT LAW SHALL BE FORWARDED AT ONCE TO THE PERSONS TO WHOM THEY ARE ADDRESSED WITHOUT EXAMINATION BY FACILITY PERSONNEL. LETTERS IN REPLY FROM THE OFFICIALS AND ATTORNEYS MENTIONED ABOVE SHALL BE DELIVERED TO THE RECIPIENT WITHOUT EXAMINATION BY FACILITY PERSONNEL. ~~-(G)-~~ (Section 2-108(d) of the Act)

h) ANY EMPLOYEE OR AGENT OF A PUBLIC AGENCY, ANY REPRESENTATIVE OF A COMMUNITY LEGAL SERVICES PROGRAM OR ANY MEMBER OF A COMMUNITY ORGANIZATION SHALL BE PERMITTED ACCESS AT REASONABLE HOURS TO ANY INDIVIDUAL RESIDENT OR ANY FACILITY, IF THE PURPOSE OF SUCH AGENCY, PROGRAM OR ORGANIZATION INCLUDES RENDERING ASSISTANCE TO RESIDENTS WITHOUT CHARGE, BUT ONLY IF THERE IS NEITHER A COMMERCIAL PURPOSE NOR AFFECT TO SUCH ACCESS AND IF THE PURPOSE IS TO DO ANY OTHER THE FOLLOWING:

- 1) VISIT, TALK WITH AND MAKE PERSONAL, SOCIAL, AND LEGAL SERVICES AVAILABLE TO ALL RESIDENTS; ~~-(G)-~~
- 2) INFORM RESIDENTS OF THEIR RIGHTS AND ENTITLEMENTS AND THEIR CORRESPONDING OBLIGATIONS, UNDER FEDERAL AND STATE LAWS, BY MEANS OF EDUCATIONAL MATERIALS AND DISCUSSIONS IN GROUPS AND WITH INDIVIDUAL RESIDENTS; ~~-(G)-~~
- 3) ASSIST RESIDENTS IN ASSERTING THEIR LEGAL RIGHTS REGARDING CLAIMS FOR PUBLIC ASSISTANCE, MEDICAL ASSISTANCE AND SOCIAL SECURITY BENEFITS, AS WELL AS IN ALL OTHER MATTERS IN WHICH RESIDENTS ARE AGGRIEVED. ASSISTANCE MAY INCLUDE COUNSELING AND LITIGATION; OR ~~-(G)-~~
- 4) ENGAGE IN OTHER METHODS OF ASSERTING, ADVISING AND REPRESENTING RESIDENTS SO AS TO EXTEND TO THEM FULL ENJOYMENT OF THEIR RIGHTS. ~~-(G)-~~ (Section 2-110(a) of the Act)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.3250 (continued)

i) NO VISITOR SHALL ENTER THE IMMEDIATE LIVING AREA OF ANY RESIDENT WITHOUT FIRST IDENTIFYING HIMSELF AND THEN RECEIVING PERMISSION FROM THE RESIDENT TO ENTER. THE RIGHTS OF OTHER RESIDENTS PRESENT IN THE ROOM SHALL BE RESPECTED. ~~(B-G-)~~ (Section 2-110(b) of the Act)

j) A RESIDENT MAY TERMINATE AT ANY TIME A VISIT BY A PERSON HAVING ACCESS TO THE RESIDENT'S LIVING AREA. ~~-(G)-~~ (Section 2-110(b) of the Act)

(Source: Amended at 13 Ill. Reg. ~~4684~~, effective March 24, 1989)

## Section 300.3260 Resident's Funds

a) A RESIDENT SHALL BE PERMITTED TO MANAGE HIS OWN FINANCIAL AFFAIRS UNLESS HE OR HIS GUARDIAN OR IF THE RESIDENT IS A MINOR, HIS PARENT, AUTHORIZES THE ADMINISTRATOR OF THE FACILITY IN WRITING TO MANAGE SUCH RESIDENT'S FINANCIAL AFFAIRS UNDER SUBSECTIONS (b) THROUGH (n) OF THIS SECTION. (Section 2-102 of the Act) ~~-(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152 102)-~~

b) THE FACILITY SHALL AT THE TIME OF ADMISSION, PROVIDE, IN ORDER OF PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN STATEMENT EXPLAINING THE RESIDENT'S RIGHTS REGARDING PERSONAL FUNDS AND LISTING THE SERVICES FOR WHICH THE RESIDENT WILL BE CHARGED, AND OBTAIN A SIGNED ACKNOWLEDGEMENT FROM EACH RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, THAT SUCH PERSON HAS RECEIVED THE STATEMENT. ~~-(G)-~~ (Section 2-201(1) of the Act) ~~-(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152 201(1))-~~

c) THE FACILITY MAY ACCEPT FUNDS FROM A RESIDENT FOR SAFEKEEPING AND MANAGING, IF IT RECEIVES WRITTEN AUTHORIZATION FROM, IN ORDER OF PRIORITY, THE RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY; SUCH AUTHORIZATION SHALL BE ATTESTED TO BY A WITNESS WHO HAS NO PECUNIARY INTEREST IN THE FACILITY OR ITS OPERATIONS, AND WHO IS NOT CONNECTED IN ANY MANNER WHATSOEVER. ~~-(G)-~~ (Section 2-201(2) of the Act) ~~-(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152 201(2))-~~

d) THE FACILITY SHALL MAINTAIN AND ALLOW, IN ORDER OF PRIORITY, EACH RESIDENT OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.3260(d) (continued)

REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, ACCESS TO A WRITTEN RECORD OF ALL FINANCIAL ARRANGEMENTS AND TRANSACTIONS INVOLVING THE INDIVIDUAL RESIDENT'S FUNDS. ~~(c)~~—  
(Section 2-201(3) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(3))~~

- e) THE FACILITY SHALL PROVIDE, IN ORDER OF PRIORITY, EACH RESIDENT, OR THE RESIDENT'S GUARDIAN, IF ANY, OR THE RESIDENT'S REPRESENTATIVE, IF ANY, OR THE RESIDENT'S IMMEDIATE FAMILY MEMBER, IF ANY, WITH A WRITTEN ITEMIZED STATEMENT AT LEAST QUARTERLY, OF ALL FINANCIAL TRANSACTIONS INVOLVING THE RESIDENT'S FUNDS. ~~(c)~~— (Section 2-201(4) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(4))~~

- f) THE FACILITY SHALL PURCHASE A SURETY BOND TO GUARANTEE THE SECURITY OF RESIDENT'S FUNDS. ~~(c)~~— (Section 2-201(5) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(5))~~

- g) THE FACILITY SHALL KEEP ANY FUNDS RECEIVED FROM A RESIDENT FOR SAFEKEEPING IN AN ACCOUNT SEPARATE FROM THE FACILITY'S FUNDS, AND SHALL AT NO TIME WITHDRAW ANY PART OR ALL OF SUCH FUNDS FOR ANY PURPOSE OTHER THAN TO RETURN THE FUNDS TO THE RESIDENT UPON THE REQUEST OF THE RESIDENT OR ANY OTHER PERSON ENTITLED TO MAKE SUCH REQUEST, TO PAY THE RESIDENT HIS ALLOWANCE, OR TO MAKE ANY OTHER PAYMENT AUTHORIZED BY THE RESIDENT OR ANY OTHER PERSON ENTITLED TO MAKE SUCH AUTHORIZATION. ~~(c)~~— (Section 2-201(6) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(6))~~

- h) THE FACILITY SHALL DEPOSIT ANY FUNDS RECEIVED FROM A RESIDENT IN EXCESS OF \$100 IN AN INTEREST BEARING ACCOUNT INSURED BY AGENCIES OF, OR CORPORATIONS CHARTERED BY, THE STATE OR FEDERAL GOVERNMENT. THE ACCOUNT SHALL BE IN A FORM WHICH CLEARLY INDICATES THAT THE FACILITY HAS ONLY A FIDUCIARY INTEREST IN THE FUNDS AND ANY INTEREST FROM THE ACCOUNT SHALL ACCRUE TO THE RESIDENT. ~~(c)~~— (Section 2-201(7) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(7))~~

- i) THE FACILITY MAY KEEP UP TO \$100 OF A RESIDENT'S MONEY IN A NON-INTEREST BEARING ACCOUNT OR PETTY CASH FUND, TO BE READILY AVAILABLE FOR THE RESIDENT'S CURRENT EXPENDITURES. ~~(c)~~— (Section 2-201(7) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(7))~~

- j) THE FACILITY SHALL RETURN TO THE RESIDENT, OR THE PERSON WHO EXECUTED THE WRITTEN AUTHORIZATION REQUIRED IN SUBSECTION (c) OF THIS SECTION, UPON WRITTEN REQUEST, ALL OR ANY PART OF THE RESIDENT'S FUNDS GIVEN THE FACILITY FOR SAFEKEEPING, INCLUDING THE INTEREST ACCRUED FROM

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.3260(j) (continued)

DEPOSITS. ~~(c)~~— (Section 2-201(8) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(8))~~

- k) THE FACILITY SHALL PLACE ANY MONTHLY ALLOWANCE TO WHICH A RESIDENT IS ENTITLED IN THAT RESIDENT'S PERSONAL ACCOUNT, OR GIVE IT TO THE RESIDENT, UNLESS THE FACILITY HAS WRITTEN AUTHORIZATION FROM THE RESIDENT OR THE RESIDENT'S GUARDIAN, OR IF THE RESIDENT IS A MINOR, HIS PARENT, TO HANDLE IT DIFFERENTLY. ~~(c)~~— (Section 2-201(9) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(9))~~

- l) UNLESS OTHERWISE PROVIDED BY STATE LAW, THE FACILITY SHALL UPON THE DEATH OF A RESIDENT PROVIDE THE EXECUTOR OR ADMINISTRATOR OF THE RESIDENT'S ESTATE WITH A COMPLETE ACCOUNTING OF ALL THE RESIDENT'S PERSONAL PROPERTY, INCLUDING ANY FUNDS OF THE RESIDENT BEING HELD BY THE FACILITY. ~~(c)~~— (Section 2-201(10) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(10))~~

- m) IF AN ADULT RESIDENT IS INCAPABLE OF MANAGING HIS FUNDS AND DOES NOT HAVE A RESIDENT'S REPRESENTATIVE GUARDIAN, OR AN IMMEDIATE FAMILY MEMBER THE FACILITY SHALL NOTIFY THE OFFICE OF THE STATE GUARDIAN OF THE GUARDIANSHIP AND ADVOCACY COMMISSION. ~~(c)~~— (Section 2-201(11) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(11))~~

- n) IF THE FACILITY IS SOLD, THE SELLER SHALL PROVIDE THE BUYER WITH A WRITTEN VERIFICATION BY A PUBLIC ACCOUNTANT OF ALL RESIDENTS' MONIES AND PROPERTIES BEING TRANSFERRED, AND OBTAIN A SIGNED RECEIPT FROM THE NEW OWNER. ~~(c)~~— (Section 2-201(12) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-201(12))~~

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.3270 Residents' Advisory Council

Each resident shall have the right to participate in a residents' advisory council as indicated in Section 300.640. ~~(c)~~—

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.3280 Contract With Facility

Each resident shall have the right to contract with the facility as indicated in Section 300.630. ~~(c)~~—

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.3290 Private Right of Action

- a) Each resident shall have the right to maintain a private right of action against a facility as described in subsections (b) through (i) of this Section ~~below~~.
- b) THE OWNER AND LICENSEE OF A FACILITY ARE LIABLE TO A RESIDENT FOR ANY INTENTIONAL OR NEGLIGENT ACT OR OMISSION OF THEIR AGENTS OR EMPLOYEES WHICH INJURES THE RESIDENT. (Section 3-601 of the Act)
- c) THE LICENSEE SHALL PAY ~~3~~ THREE TIMES THE ACTUAL DAMAGES, OR \$500, WHICHEVER IS GREATER, AND COSTS AND ATTORNEY'S FEES TO A FACILITY RESIDENT WHOSE RIGHTS AS SPECIFIED IN PART 1 OF ARTICLE II OF THE ACT ARE VIOLATED. (Section 3-602 of the Act)
- d) A RESIDENT MAY MAINTAIN AN ACTION UNDER THE ~~THIS~~ ACT AND THIS PART FOR ANY OTHER TYPE OF RELIEF, INCLUDING INJUNCTIVE AND DECLARATORY RELIEF, PERMITTED BY LAW. (Section 3-603 of the Act)
- e) ANY DAMAGES RECOVERABLE UNDER SUBSECTIONS (b) THROUGH (i) OF THIS SECTION, INCLUDING MINIMUM DAMAGES AS PROVIDED BY THIS PART, MAY BE RECOVERED IN ANY ACTION WHICH A COURT MAY AUTHORIZE TO BE BROUGHT AS A CLASS ACTION PURSUANT TO PART 8 OF THE CIVIL PRACTICE LAW ~~ACT~~ (Ill. Rev. Stat. 1987, ch. 110, par. 2-801 et seq. 2. THE REMEDIES PROVIDED IN SUBSECTIONS (b) THROUGH (i) OF THIS SECTION ARE IN ADDITION TO AND CUMULATIVE WITH ANY OTHER LEGAL REMEDIES AVAILABLE TO A RESIDENT. EXHAUSTION OF ANY AVAILABLE ADMINISTRATIVE REMEDIES SHALL NOT BE REQUIRED PRIOR TO COMMENCEMENT OF A SUIT HEREUNDER. (Section 3-604 of the Act)
- f) THE AMOUNT OF DAMAGES RECOVERED BY A RESIDENT IN AN ACTION BROUGHT UNDER SUBSECTIONS (b) THROUGH (i) OF THIS SECTION SHALL BE EXEMPT FOR PURPOSES OF DETERMINING INITIAL OR CONTINUING ELIGIBILITY FOR MEDICAL ASSISTANCE UNDER ~~THE~~ ILLINOIS PUBLIC AID CODE ~~11~~ (11. Rev. Stat. 1982-1987, ch. 23, par. 1-1 et seq.) AS NOW OR HEREAFTER AMENDED, AND SHALL NEITHER BE TAKEN INTO CONSIDERATION NOT REQUIRED TO BE APPLIED TOWARD THE PAYMENT OR PARTIAL PAYMENT OF THE COST OF MEDICAL CARE OR SERVICES AVAILABLE UNDER ~~THE~~ ILLINOIS PUBLIC AID CODE. ~~(Section 3-605 of the Act)~~
- g) ANY WAIVER BY A RESIDENT OR HIS LEGAL REPRESENTATIVE OF THE RIGHT TO COMMENCE AN ACTION UNDER SUBSECTIONS (b) THROUGH (i) OF THIS SECTION, WHETHER ORAL OR IN WRITING, SHALL BE NULL AND VOID, AND WITHOUT LEGAL FORCE OR EFFECT. (Section 3-606 of the Act)
- h) ANY PARTY TO AN ACTION BROUGHT UNDER SUBSECTIONS (b) THROUGH (i) OF THIS SECTION SHALL BE ENTITLED TO A TRIAL BY JURY AND ANY WAIVER OF THE RIGHT TO A TRIAL BY JURY, WHETHER ORAL OR IN WRITING, PRIOR TO

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.3290(h) (continued)

- THE COMMENCEMENT OF AN ACTION, SHALL BE NULL AND VOID, AND WITHOUT LEGAL FORCE OR EFFECT. (Section 3-607 of the Act)
- 1) A LICENSEE OR ITS AGENTS OR EMPLOYEES SHALL NOT TRANSFER, DISCHARGE, EVICT, HARASS, DISMISS, OR RETALIATE AGAINST A RESIDENT, A RESIDENT'S REPRESENTATIVE, OR AN EMPLOYEE OR AGENT WHO MAKES A REPORT OF RESIDENT ABUSE OR NEGLECT, BRINGS OR TESTIFIES IN A PRIVATE RIGHT OF ACTION, OR FILES A COMPLAINT, BECAUSE OF THE SUCH ACTION OR TESTIMONY. (B-~~6~~ C) (Section 3-608 of the Act)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

Section 300.3300 Transfer ~~and~~ or Discharge

- a) A RESIDENT MAY BE VOLUNTARILY DISCHARGED FROM A FACILITY AFTER HE GIVES THE ADMINISTRATOR, A PHYSICIAN, OR A NURSE OF THE FACILITY WRITTEN NOTICE OF HIS DESIRE TO BE DISCHARGED. IF A GUARDIAN HAS BEEN APPOINTED FOR A RESIDENT OR IF THE RESIDENT IS A MINOR, THE RESIDENT SHALL BE DISCHARGED UPON WRITTEN CONSENT OF HIS GUARDIAN OR IF THE RESIDENT IS A MINOR, HIS PARENT UNLESS THERE IS A COURT ORDER TO THE CONTRARY. IN SUCH CASES, UPON THE RESIDENT'S DISCHARGE, THE FACILITY IS RELIEVED FROM ANY RESPONSIBILITY FOR THE RESIDENT'S CARE, SAFETY OR WELL-BEING. ~~(C)~~ (Section 2-111 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4152-111)~~
- b) Each resident's rights regarding involuntary transfer or discharge from a facility shall be as described in subsections (c) through (y) of this Section.
- c) Reasons for Transfer or Discharge
  - 1) A FACILITY MAY INVOLUNTARILY TRANSFER OR DISCHARGE A RESIDENT ONLY FOR ONE OR MORE OF THE FOLLOWING REASONS: ~~SHALL NOT INVOLUNTARILY TRANSFER OR DISCHARGE A RESIDENT EXCEPT~~
    - A) FOR MEDICAL REASONS. ~~+~~
    - B) FOR THE RESIDENT'S PHYSICAL SAFETY. ~~OR~~
    - C) FOR THE PHYSICAL SAFETY OF OTHER RESIDENTS, THE FACILITY STAFF OR FACILITY VISITORS. ~~OR~~
    - D) FOR EITHER LATE PAYMENT OR NONPAYMENT FOR THE RESIDENT'S STAY, EXCEPT AS PROHIBITED BY TITLE XVIII AND XIX OF THE



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.3300(c)(1)(D) (continued)

FEDERAL SOCIAL SECURITY ACT. FOR PURPOSES OF THIS SECTION, "LATE PAYMENT" MEANS NON-RECEIPT OF PAYMENT AFTER SUBMISSION OF A BILL. IF PAYMENT IS NOT RECEIVED WITHIN 45 DAYS AFTER SUBMISSION OF A BILL, THE FACILITY MAY SEND A NOTICE TO THE RESIDENT AND RESPONSIBLE PARTY REQUESTING PAYMENT WITHIN 30 DAYS. IF PAYMENT IS NOT RECEIVED WITHIN SUCH 30 DAYS, THE FACILITY MAY THEREUPON INSTITUTE TRANSFER OR DISCHARGE PROCEEDINGS BY SENDING A NOTICE OF TRANSFER OR DISCHARGE TO THE RESIDENT AND RESPONSIBLE PARTY BY REGISTERED OR CERTIFIED MAIL. THE NOTICE SHALL STATE, IN ADDITION TO THE REQUIREMENTS OF SECTION 3-403 OF THE ACT and subsection (e) of this Section, THAT THE RESPONSIBLE PARTY HAS THE RIGHT TO PAY THE AMOUNT OF THE BILL IN FULL UP TO THE DATE THE TRANSFER OR DISCHARGE IS TO BE MADE AND THEN THE RESIDENT SHALL HAVE THE RIGHT TO REMAIN IN THE FACILITY. SUCH PAYMENT SHALL TERMINATE THE TRANSFER OR DISCHARGE PROCEEDINGS. THIS SUBSECTION DOES NOT APPLY TO THOSE RESIDENTS WHOSE CARE IS PROVIDED UNDER THE ILLINOIS PUBLIC AID CODE. (8-6-) (Section 3-401 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-401)~~

## 22 Prohibition of Discrimination

~~11-~~ A2 A FACILITY PARTICIPATING IN THE MEDICAL ASSISTANCE PROGRAM IS PROHIBITED FROM FAILING OR REFUSING TO RETAIN AS A RESIDENT ANY PERSON BECAUSE THE RESIDENT IS A RECIPIENT OF OR AN APPLICANT FOR THE MEDICAL ASSISTANCE PROGRAM. FOR THE PURPOSES OF THIS SECTION, A RECIPIENT OR APPLICANT SHALL BE CONSIDERED A RESIDENT IN THE FACILITY DURING ANY HOSPITAL STAY TOTALING TEN DAYS OR LESS FOLLOWING A HOSPITAL ADMISSION. The day on which a resident is discharged from the facility and admitted to the hospital shall be considered the first day of the ten-day period. (Section 3-401.1(a) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-401.1(a))~~

~~22-~~ B2 A FACILITY WHICH VIOLATES SUBSECTION (c)(2)(B) ~~(1)~~ OF THIS SECTION SHALL BE GUILTY OF A BUSINESS OFFENSE AND FINED NOT LESS THAN \$500 NOR MORE THAN \$1,000 FOR THE FIRST OFFENSE AND NOT LESS THAN \$1,000 NOR MORE THAN \$5,000 FOR EACH SUBSEQUENT OFFENSE. (Section 3-401.1(b) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-401.1(b))~~

d) INVOLUNTARY TRANSFER OR DISCHARGE OF A RESIDENT FROM A FACILITY SHALL BE PRECEDED BY THE DISCUSSION REQUIRED UNDER SUBSECTION (j) OF THIS

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.3300(d) (continued)

SECTION AND BY A MINIMUM WRITTEN NOTICE OF 21 DAYS. THE 21-DAY REQUIREMENT SHALL NOT APPLY IN ANY OF THE FOLLOWING INSTANCES:

- 1) WHEN AN EMERGENCY TRANSFER OR DISCHARGE IS MANDATED BY THE RESIDENT'S HEALTH CARE NEEDS AND IS IN ACCORD WITH THE WRITTEN ORDERS AND MEDICAL JUSTIFICATION OF THE ATTENDING PHYSICIAN; (Section 3-402(a) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-402(a))~~
- 2) WHEN THE TRANSFER OR DISCHARGE IS MANDATED BY THE PHYSICAL SAFETY OF OTHER RESIDENTS AS DOCUMENTED IN THE CLINICAL RECORD. (Section 3-402(b) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-402(b))~~
- e) THE NOTICE REQUIRED BY SUBSECTION (d) OF THIS SECTION SHALL BE ON A FORM PRESCRIBED BY THE DEPARTMENT AND SHALL CONTAIN ALL OF THE FOLLOWING:

- 1) THE STATED REASON FOR THE PROPOSED TRANSFER OR DISCHARGE; ~~(G) (Section 3-403(a) of the Act) (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-403(a))~~
- 2) THE EFFECTIVE DATE OF THE PROPOSED TRANSFER OR DISCHARGE; ~~(G) (Section 3-403(b) of the Act) (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-403(b))~~
- 3) A STATEMENT IN NOT LESS THAN 12-POINT TYPE, WHICH READS: "YOU HAVE A RIGHT TO APPEAL THE FACILITY'S DECISION TO TRANSFER OR DISCHARGE YOU. IF YOU THINK YOU SHOULD NOT HAVE TO LEAVE THIS FACILITY, YOU MAY FILE A REQUEST FOR A HEARING WITH THE DEPARTMENT OF PUBLIC HEALTH WITHIN ~~10~~ TEN DAYS AFTER RECEIVING THIS NOTICE. IF YOU REQUEST A HEARING, IT WILL BE HELD NOT LATER THAN TEN ~~10~~ DAYS AFTER YOUR REQUEST, AND YOU GENERALLY WILL NOT BE TRANSFERRED OR DISCHARGED DURING THAT TIME. IF THE DECISION FOLLOWING THE HEARING IS NOT IN YOUR FAVOR, YOU GENERALLY WILL NOT BE TRANSFERRED OR DISCHARGED PRIOR TO THE EXPIRATION OF 30 DAYS FOLLOWING RECEIPT OF THE ORIGINAL NOTICE OF THE TRANSFER OR DISCHARGE. A FORM TO APPEAL THE FACILITY'S DECISION AND TO REQUEST A HEARING IS ATTACHED. IF YOU HAVE ANY QUESTIONS, CALL THE DEPARTMENT OF PUBLIC HEALTH AT THE TELEPHONE NUMBER LISTED BELOW." ~~(G) (Section 3-403(c) of the Act) (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-403(c))~~
- 4) A HEARING REQUEST FORM, TOGETHER WITH A POSTAGE PAID,



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.3300(e)(4) (continued)

PREADDRESSED ENVELOPE TO THE DEPARTMENT; AND ~~(c)~~ (Section 3-403(d) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-403(d))~~

5) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON CHARGED WITH THE RESPONSIBILITY OF SUPERVISING THE TRANSFER OR DISCHARGE. ~~(c)~~ (Section 3-403(e) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-403(e))~~

f) A REQUEST FOR A HEARING MADE UNDER SUBSECTION (e) OF THIS SECTION SHALL STAY A TRANSFER PENDING A HEARING OR APPEAL OF THE DECISION, UNLESS A CONDITION WHICH WOULD HAVE ALLOWED TRANSFER OR DISCHARGE IN LESS THAN 21 DAYS AS DESCRIBED UNDER SUBSECTIONS (d)(1) AND (2) OF THIS SECTION DEVELOPS IN THE INTERIM. ~~(c)~~ (Section 3-404 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-404)~~

g) A COPY OF THE NOTICE REQUIRED BY SUBSECTION (d) OF THIS SECTION SHALL BE PLACED IN THE RESIDENT'S CLINICAL RECORD AND A COPY SHALL BE TRANSMITTED TO THE DEPARTMENT. THE RESIDENT, THE RESIDENT'S REPRESENTATIVE, AND, IF THE RESIDENT'S CARE IS PAID FOR IN WHOLE OR PART THROUGH TITLE XIX, TO THE DEPARTMENT OF PUBLIC AID. ~~(c)~~ (Section 3-405 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-405)~~

h) WHEN THE BASIS FOR AN INVOLUNTARY TRANSFER OR DISCHARGE IS THE RESULT OF AN ACTION BY THE DEPARTMENT OF PUBLIC AID WITH RESPECT TO A RECIPIENT OF TITLE XIX AND A HEARING REQUEST IS FILED WITH THE DEPARTMENT OF PUBLIC AID, THE 21-DAY WRITTEN NOTICE PERIOD SHALL NOT BEGIN UNTIL A FINAL DECISION IN THE MATTER IS RENDERED BY THE DEPARTMENT OF PUBLIC AID OR A COURT OF COMPETENT JURISDICTION AND NOTICE OF THAT FINAL DECISION IS RECEIVED BY THE RESIDENT AND THE FACILITY. (Section 3-406 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-406)~~

i) WHEN NONPAYMENT IS THE BASIS FOR INVOLUNTARY TRANSFER OR DISCHARGE, THE RESIDENT SHALL HAVE THE RIGHT TO REDEEM UP TO THE DATE THAT THE DISCHARGE OR TRANSFER IS TO BE MADE AND THEN SHALL HAVE THE RIGHT TO REMAIN IN THE FACILITY. ~~(c)~~ (Section 3-407 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-407)~~

j) THE PLANNED INVOLUNTARY TRANSFER OR DISCHARGE SHALL BE DISCUSSED WITH THE RESIDENT, THE RESIDENT'S REPRESENTATIVE AND PERSON OR AGENCY RESPONSIBLE FOR THE RESIDENT'S PLACEMENT, MAINTENANCE, AND CARE IN THE FACILITY. THE EXPLANATION AND DISCUSSION OF THE REASONS FOR INVOLUNTARY TRANSFER OR DISCHARGE SHALL INCLUDE THE FACILITY

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Section 300.3300(j) (continued)

ADMINISTRATOR OR OTHER APPROPRIATE FACILITY REPRESENTATIVE AS THE ADMINISTRATOR'S DESIGNEE. THE CONTENT OF THE DISCUSSION AND EXPLANATION SHALL BE SUMMARIZED IN WRITING AND SHALL INCLUDE THE NAMES OF THE INDIVIDUALS INVOLVED IN THE DISCUSSIONS AND MADE A PART OF THE RESIDENT'S CLINICAL RECORD. ~~(c)~~ (Section 3-408 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-408)~~

k) THE FACILITY SHALL OFFER THE RESIDENT COUNSELING SERVICES BEFORE THE TRANSFER OR DISCHARGE OF THE RESIDENT. ~~(c)~~ (Section 3-409 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-409)~~

l) A RESIDENT SUBJECT TO INVOLUNTARY TRANSFER OR DISCHARGE FROM A FACILITY, THE RESIDENT'S GUARDIAN OR IF THE RESIDENT IS A MINOR, HIS PARENT SHALL HAVE THE OPPORTUNITY TO FILE A REQUEST FOR A HEARING WITH THE DEPARTMENT WITHIN ~~10~~ TEN DAYS FOLLOWING RECEIPT OF THE WRITTEN NOTICE OF THE INVOLUNTARY TRANSFER OR DISCHARGE BY THE FACILITY. ~~(c)~~ (Section 3-410 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-410)~~

m) THE DEPARTMENT OF PUBLIC HEALTH, WHEN THE BASIS FOR INVOLUNTARY TRANSFER OR DISCHARGE IS OTHER THAN ACTION BY THE DEPARTMENT OF PUBLIC AID WITH RESPECT TO THE TITLE XIX MEDICAID RECIPIENT, SHALL HOLD A HEARING AT THE RESIDENT'S FACILITY NOT LATER THAN TEN ~~10~~ DAYS AFTER A HEARING REQUEST IS FILED, AND RENDER A DECISION WITHIN 14 DAYS AFTER THE FILING OF THE HEARING REQUEST. (Section 3-411 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-411)~~

n) THE HEARING BEFORE THE DEPARTMENT PROVIDED UNDER SUBSECTION (m) OF THIS SECTION SHALL BE CONDUCTED AS PRESCRIBED UNDER SECTIONS 3-703 THROUGH ~~THRU~~ 3-712 OF THE ACT ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-703 through 4153-712)~~. IN DETERMINING WHETHER A TRANSFER OR DISCHARGE IS AUTHORIZED, THE BURDEN OF PROOF IN THIS HEARING RESTS ON THE PERSON REQUESTING THE TRANSFER OR DISCHARGE. (Section 3-412 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-412)~~

o) IF THE DEPARTMENT DETERMINES THAT A TRANSFER OR DISCHARGE IS AUTHORIZED UNDER SUBSECTION (c) OF THIS SECTION, THE RESIDENT SHALL NOT BE REQUIRED TO LEAVE THE FACILITY BEFORE THE 34th DAY FOLLOWING RECEIPT OF THE NOTICE REQUIRED UNDER SUBSECTION (d) OF THIS SECTION, OR THE ~~10TH~~ TENTH DAY FOLLOWING RECEIPT OF THE DEPARTMENT'S DECISION, WHICHEVER IS LATER, UNLESS A CONDITION WHICH WOULD HAVE ALLOWED TRANSFER OR DISCHARGE IN LESS THAN 21 DAYS AS DESCRIBED UNDER SUBSECTIONS (d)(1) AND (2) OF THIS SECTION DEVELOPS IN THE INTERIM. ~~(B, C)~~ (Section 3-413 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-413)~~



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTSDEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.3300 (continued)

- p) THE DEPARTMENT OF PUBLIC AID SHALL CONTINUE TITLE XIX MEDICAID FUNDING DURING THE APPEAL, TRANSFER, OR DISCHARGE PERIOD FOR THOSE RESIDENTS WHO ARE TITLE XIX RECIPIENTS AFFECTED BY SUBSECTION (c) OF THIS SECTION. (Section 3-414 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111-1/2, par. 4153-414)~~
- q) THE DEPARTMENT MAY TRANSFER OR DISCHARGE ANY RESIDENT FROM ANY FACILITY REQUIRED TO BE LICENSED UNDER THIS ACT WHEN ANY OF THE FOLLOWING CONDITIONS EXIST:
- 1) SUCH FACILITY IS OPERATING WITHOUT A LICENSE; (Section 3-415(a) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111-1/2, par. 4153-415(a))~~
  - 2) THE DEPARTMENT HAS SUSPENDED, REVOKED OR REFUSED TO RENEW THE LICENSE OF THE FACILITY AS PROVIDED UNDER SECTION 3-119 OF THE ACT. (Section 3-415(b) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111-1/2, par. 4153-415(b))~~
  - 3) THE FACILITY HAS REQUESTED THE AID OF THE DEPARTMENT IN THE TRANSFER OR DISCHARGE OF THE RESIDENT AND THE DEPARTMENT FINDS THAT THE RESIDENT CONSENTS TO TRANSFER OR DISCHARGE; (Section 3-415(c) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111-1/2, par. 4153-415(c))~~
  - 4) THE FACILITY IS CLOSING OR INTENDS TO CLOSE AND ADEQUATE ARRANGEMENT FOR RELOCATION OF THE RESIDENT HAS NOT BEEN MADE AT LEAST 30 DAYS PRIOR TO CLOSURE; OR (Section 3-415(d) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111-1/2, par. 4153-415(d))~~
  - 5) THE DEPARTMENT DETERMINES THAT AN EMERGENCY EXISTS WHICH REQUIRES IMMEDIATE TRANSFER OR DISCHARGE OF THE RESIDENT. (Section 3-415(e) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111-1/2, par. 4153-415(e))~~
  - r) IN DECIDING TO TRANSFER OR DISCHARGE A RESIDENT FROM A FACILITY UNDER SUBSECTION (q) OF THIS SECTION, THE DEPARTMENT SHALL CONSIDER THE LIKELIHOOD OF SERIOUS HARM WHICH MAY RESULT IF THE RESIDENT REMAINS IN THE FACILITY. (Section 3-416 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111-1/2, par. 4153-416)~~
  - s) THE DEPARTMENT SHALL OFFER TRANSFER OR DISCHARGE AND RELOCATION ASSISTANCE TO RESIDENTS TRANSFERRED OR DISCHARGED UNDER SUBSECTIONS (c) THROUGH (q) OF THIS SECTION INCLUDING INFORMATION ON AVAILABLE ALTERNATIVE PLACEMENTS. RESIDENTS SHALL BE INVOLVED IN PLANNING THE

## Section 300.3300(s) (continued)

- TRANSFER OR DISCHARGE AND SHALL CHOOSE AMONG THE AVAILABLE ALTERNATIVE PLACEMENTS, EXCEPT THAT WHERE AN EMERGENCY MAKES PRIOR RESIDENT INVOLVEMENT IMPOSSIBLE, THE DEPARTMENT MAY MAKE A TEMPORARY PLACEMENT UNTIL A FINAL PLACEMENT CAN BE ARRANGED. RESIDENTS MAY CHOOSE THEIR FINAL ALTERNATIVE PLACEMENT AND SHALL BE GIVEN ASSISTANCE IN TRANSFERRING TO SUCH PLACE. NO RESIDENT MAY BE FORCED TO REMAIN IN A TEMPORARY OR PERMANENT PLACEMENT. WHERE THE DEPARTMENT MAKES OR PARTICIPATES IN MAKING THE RELOCATION DECISION, CONSIDERATION SHALL BE GIVEN TO PROXIMITY TO THE RESIDENT'S RELATIVES AND FRIENDS. THE RESIDENT SHALL BE ALLOWED ~~3~~ THREE VISITS TO POTENTIAL ALTERNATIVE PLACEMENTS PRIOR TO REMOVAL, EXCEPT WHERE MEDICALLY CONTRAINDICATED OR WHERE THE NEED FOR IMMEDIATE TRANSFER OR DISCHARGE REQUIRES REDUCTION IN THE NUMBER OF VISITS. (Section 3-417 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111-1/2, par. 4153-417)~~
- t) THE DEPARTMENT SHALL PREPARE RESIDENT TRANSFER OR DISCHARGE PLANS TO ASSURE SAFE AND ORDERLY REMOVALS AND PROTECT RESIDENTS' HEALTH, SAFETY, WELFARE AND RIGHTS. IN NONEMERGENCIES AND WHERE POSSIBLE IN EMERGENCIES, THE DEPARTMENT SHALL DESIGN AND IMPLEMENT SUCH PLANS IN ADVANCE OF TRANSFER OR DISCHARGE. (Section 3-418 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111-1/2, par. 4153-418)~~
- u) THE DEPARTMENT MAY PLACE RELOCATION TEAMS IN ANY FACILITY FROM WHICH RESIDENTS ARE BEING DISCHARGED OR TRANSFERRED FOR ANY REASON, FOR THE PURPOSE OF IMPLEMENTING TRANSFER OR DISCHARGE PLANS. (Section 3-419 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111-1/2, par. 4153-419)~~
- v) IN ANY TRANSFER OR DISCHARGE CONDUCTED UNDER SUBSECTIONS (q) THROUGH (t) OF THIS SECTION THE DEPARTMENT SHALL:
- 1) PROVIDE WRITTEN NOTICE TO THE FACILITY PRIOR TO THE TRANSFER OR DISCHARGE. THE NOTICE SHALL STATE THE BASIS FOR THE ORDER OF TRANSFER OR DISCHARGE AND SHALL INFORM THE FACILITY OF ITS RIGHT TO AN INFORMAL CONFERENCE PRIOR TO TRANSFER OR DISCHARGE UNDER THIS SECTION, AND ITS RIGHT TO A SUBSEQUENT HEARING UNDER SUBSECTION (x) OF THIS SECTION. IF A FACILITY DESIRES TO CONTEST A NONEMERGENCY TRANSFER OR DISCHARGE, PRIOR TO TRANSFER OR DISCHARGE IT SHALL, WITHIN FOUR ~~(4)~~ WORKING DAYS AFTER RECEIPT OF THE NOTICE, SEND A WRITTEN REQUEST FOR AN INFORMAL CONFERENCE TO THE DEPARTMENT. THE DEPARTMENT SHALL, WITHIN FOUR ~~(4)~~ WORKING DAYS FROM THE RECEIPT OF THE REQUEST, HOLD AN INFORMAL CONFERENCE IN THE COUNTY IN WHICH THE FACILITY IS LOCATED. FOLLOWING THIS CONFERENCE, THE DEPARTMENT MAY AFFIRM, MODIFY OR OVERRULE ITS PREVIOUS DECISION. EXCEPT IN AN EMERGENCY, TRANSFER OR DISCHARGE MAY NOT BEGIN UNTIL THE PERIOD



## Section 300.3300(v)(1) (continued)

FOR REQUESTING A CONFERENCE HAS PASSED OR, IF A CONFERENCE IS REQUESTED, UNTIL AFTER A CONFERENCE HAS BEEN HELD; AND (Section 3-420(a) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-420(a))~~

- 2) PROVIDE WRITTEN NOTICE TO ANY RESIDENT TO BE REMOVED, TO THE RESIDENT'S REPRESENTATIVE, IF ANY, AND TO A MEMBER OF THE RESIDENT'S FAMILY, WHERE PRACTICABLE, PRIOR TO THE REMOVAL. THE NOTICE SHALL STATE THE REASON FOR WHICH TRANSFER OR DISCHARGE IS ORDERED AND SHALL INFORM THE RESIDENT OF THE RESIDENT'S RIGHT TO CHALLENGE THE TRANSFER OR DISCHARGE UNDER SUBSECTION (x) OF THIS SECTION. THE DEPARTMENT SHALL HOLD AN INFORMAL CONFERENCE WITH THE RESIDENT OR THE RESIDENT'S REPRESENTATIVE PRIOR TO TRANSFER OR DISCHARGE AT WHICH THE RESIDENT OR THE REPRESENTATIVE MAY PRESENT ANY OBJECTIONS TO THE PROPOSED TRANSFER OR DISCHARGE PLAN OR ALTERNATIVE PLACEMENT. (Section 3-420(b) of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-420(b))~~

- w) IN ANY TRANSFER OR DISCHARGE CONDUCTED UNDER SUBSECTION (q)(5) OF THIS SECTION, THE DEPARTMENT SHALL NOTIFY THE FACILITY AND ANY RESIDENT TO BE REMOVED THAT AN EMERGENCY HAS BEEN FOUND TO EXIST AND REMOVAL HAS BEEN ORDERED, AND SHALL INVOLVE THE RESIDENTS IN REMOVAL PLANNING IF POSSIBLE. FOLLOWING EMERGENCY REMOVAL, THE DEPARTMENT SHALL PROVIDE WRITTEN NOTICE TO THE FACILITY, TO THE RESIDENT, TO THE RESIDENT'S REPRESENTATIVE, IF ANY, AND TO A MEMBER OF THE RESIDENT'S FAMILY, WHERE PRACTICABLE, OF THE BASIS FOR THE FINDING THAT AN EMERGENCY EXISTED AND OF THE RIGHT TO CHALLENGE REMOVAL UNDER SUBSECTION (x) OF THIS SECTION. (Section 3-421 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-421)~~

- x) WITHIN ~~10~~ TEN DAYS FOLLOWING TRANSFER OR DISCHARGE, THE FACILITY OR ANY RESIDENT TRANSFERRED OR DISCHARGED MAY SEND A WRITTEN REQUEST TO THE DEPARTMENT FOR A HEARING UNDER SECTION 3-703 OF THE ACT ~~4111~~ ~~Rev. Stat. 1985, ch. 111 1/2, par. 4153-703~~ TO CHALLENGE THE TRANSFER OR DISCHARGE. THE DEPARTMENT SHALL HOLD THE HEARING WITHIN 30 DAYS OF RECEIPT OF THE REQUEST. WHERE A CHALLENGE IS BY A RESIDENT, THE HEARING SHALL BE HELD AT A LOCATION CONVENIENT TO THE RESIDENT. IF THE FACILITY PREVAILS, IT MAY FILE A CLAIM AGAINST THE STATE UNDER THE ~~11~~COURT OF CLAIMS ACT ~~11~~ FOR PAYMENTS LOSS LESS EXPENSES SAVED AS A RESULT OF THE TRANSFER OR DISCHARGE. NO RESIDENT TRANSFERRED OR DISCHARGED MAY BE HELD LIABLE FOR THE CHARGE FOR CARE WHICH WOULD HAVE BEEN MADE HAD THE RESIDENT REMAINED IN THE FACILITY. IF A RESIDENT PREVAILS, THE RESIDENT MAY FILE A CLAIM AGAINST THE STATE UNDER THE ~~11~~COURT OF CLAIMS ACT ~~11~~ (Ill. Rev. Stat. 1987 ~~1985~~, ch. 37, pars. 439.1 et seq.) FOR ANY EXCESS

## Section 300.3300(x) (continued)

EXPENSES DIRECTLY CAUSED BY THE ORDER TO TRANSFER OR DISCHARGE. THE DEPARTMENT SHALL ASSIST THE RESIDENT IN RETURNING TO THE FACILITY IF ASSISTANCE IS REQUESTED. (Section 3-422 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-422)~~

- y) ANY OWNER OF A FACILITY LICENSED UNDER THIS ACT SHALL GIVE 90 DAYS NOTICE PRIOR TO VOLUNTARILY CLOSING A FACILITY OR CLOSING ANY PART OF A FACILITY, OR PRIOR TO CLOSING ANY PART OF A FACILITY IF CLOSING SUCH PART WILL REQUIRE THE TRANSFER OR DISCHARGE OF MORE THAN ~~10%~~ TEN PERCENT OF THE RESIDENTS. SUCH NOTICE SHALL BE GIVEN TO THE DEPARTMENT, TO ANY RESIDENT WHO MUST BE TRANSFERRED OR DISCHARGED, TO THE RESIDENT'S REPRESENTATIVE, AND TO A MEMBER OF THE RESIDENT'S FAMILY, WHERE PRACTICABLE. NOTICE SHALL STATE THE PROPOSED DATE OF CLOSING AND THE REASON FOR CLOSING. THE FACILITY SHALL OFFER TO ASSIST THE RESIDENT IN SECURING AN ALTERNATIVE PLACEMENT AND SHALL ADVISE THE RESIDENT ON AVAILABLE ALTERNATIVES. WHERE THE RESIDENT IS UNABLE TO CHOOSE AN ALTERNATE PLACEMENT AND IS NOT UNDER GUARDIANSHIP, THE DEPARTMENT SHALL BE NOTIFIED OF THE NEED FOR RELOCATION ASSISTANCE. THE FACILITY SHALL COMPLY WITH ALL APPLICABLE LAWS AND REGULATIONS UNTIL THE DATE OF CLOSING, INCLUDING THOSE RELATED TO TRANSFER OR DISCHARGE OF RESIDENTS. THE DEPARTMENT MAY PLACE A RELOCATION TEAM IN THE FACILITY AS PROVIDED UNDER SUBSECTION (u) OF THIS SECTION. (A, B ~~G~~) (Section 3-423 of the Act) ~~(Ill. Rev. Stat. 1985, ch. 111 1/2, par. 4153-423)~~

(Source: Amended at 13 Ill. Reg. ~~4684~~, effective March 24, 1989)

## Section 300.3310 Complaint Procedures

- a) A RESIDENT SHALL BE PERMITTED TO PRESENT GRIEVANCES ON BEHALF OF HIMSELF AND OTHERS TO THE ADMINISTRATOR, THE LONG-TERM CARE FACILITY ADVISORY BOARD, THE RESIDENTS' ADVISORY COUNCIL, STATE GOVERNMENTAL AGENCIES OR OTHER PERSONS WITHOUT THREAT OF DISCHARGE OR REPRISAL IN ANY FORM OR MANNER WHATSOEVER. ~~(G)~~ (Section 2-212 of the Act)
- b) THE FACILITY ADMINISTRATOR SHALL PROVIDE ALL RESIDENTS OR THEIR REPRESENTATIVES WITH THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE APPROPRIATE STATE GOVERNMENTAL OFFICE WHERE COMPLAINTS MAY BE LODGED. ~~(G)~~ (Section 2-212 of the Act)
- c) A PERSON WHO BELIEVES THAT THE ACT OR A RULE PROMULGATED UNDER THE ACT MAY HAVE BEEN VIOLATED MAY REQUEST AN INVESTIGATION. THE REQUEST MAY BE SUBMITTED TO THE DEPARTMENT IN WRITING, BY TELEPHONE, OR BY PERSONAL VISIT. AN ORAL COMPLAINT SHALL BE REDUCED TO WRITING BY THE



## Section 300.3310(c) (continued)

DEPARTMENT. (Section 3-702(a) of the Act)

- d) THE SUBSTANCE OF THE COMPLAINT SHALL BE PROVIDED TO THE LICENSEE, OWNER OR ADMINISTRATOR NO EARLIER THAN AT THE COMMENCEMENT OF THE ON-SITE INSPECTION OF THE FACILITY WHICH TAKES PLACE PURSUANT TO THE COMPLAINT. (Section 3-702(b) of the Act)
- e) THE DEPARTMENT SHALL NOT DISCLOSE THE NAME OF THE COMPLAINANT UNLESS THE COMPLAINANT CONSENTS IN WRITING TO THE DISCLOSURE OR THE INVESTIGATION RESULTS IN A JUDICIAL PROCEEDING, OR UNLESS DISCLOSURE IS ESSENTIAL TO THE INVESTIGATION. THE COMPLAINANT SHALL BE GIVEN THE OPPORTUNITY TO WITHDRAW THE COMPLAINT BEFORE DISCLOSURE. UPON THE REQUEST OF THE COMPLAINANT, THE DEPARTMENT MAY PERMIT THE COMPLAINANT OR A REPRESENTATIVE OF THE COMPLAINANT TO ACCOMPANY THE PERSON MAKING THE ON-SITE INSPECTION OF THE FACILITY. (Section 3-702(c) of the Act)
- f) UPON RECEIPT OF A COMPLAINT, THE DEPARTMENT SHALL DETERMINE WHETHER THE ACT OR A RULE PROMULGATED UNDER THE ACT HAS BEEN OR IS BEING VIOLATED. THE DEPARTMENT SHALL INVESTIGATE ALL COMPLAINTS ALLEGING ABUSE OR NEGLECT WITHIN ~~7~~ SEVEN DAYS AFTER THE RECEIPT OF THE COMPLAINT EXCEPT THE COMPLAINTS OF ABUSE OR NEGLECT WHICH INDICATE THAT A RESIDENT'S LIFE OR SAFETY IS IN IMMINENT DANGER SHALL BE INVESTIGATED WITH 24 HOURS AFTER RECEIPT OF THE COMPLAINT. ALL OTHER COMPLAINTS SHALL BE INVESTIGATED WITHIN 30 DAYS AFTER THE RECEIPT OF THE COMPLAINT. ALL COMPLAINTS SHALL BE CLASSIFIED AS "VALID" OR "INVALID". FOR ANY COMPLAINT CLASSIFIED AS "VALID", THE DEPARTMENT MUST DETERMINE WITHIN 30 WORKING DAYS IF ANY RULE OR PROVISION OF THIS ACT HAS BEEN OR IS BEING VIOLATED. (Section 3-702(d) of the Act)
- g) UPON THE REQUEST OF A RESIDENT OR COMPLAINANT, THE DEPARTMENT MAY PERMIT THE RESIDENT OR COMPLAINANT OR A REPRESENTATIVE OF THE COMPLAINANT TO ACCOMPANY THE PERSON MAKING THE ON-SITE INSPECTION OF THE FACILITY PURSUANT TO THE COMPLAINT. (Section 3-702(c) of the Act)
- h) IN ALL CASES, THE DEPARTMENT SHALL INFORM THE COMPLAINANT OF ITS FINDINGS WITHIN ~~10~~ TEN DAYS OF ITS DETERMINATION UNLESS OTHERWISE INDICATED BY THE COMPLAINANT, AND THE COMPLAINANT MAY DIRECT THE DEPARTMENT TO SEND A COPY OF SUCH FINDINGS TO ANOTHER PERSON. THE DEPARTMENT'S FINDINGS MAY INCLUDE CONTENTS OR DOCUMENTATION PROVIDED BY EITHER THE COMPLAINANT OR THE LICENSEE PERTAINING TO THE COMPLAINT. THE DEPARTMENT SHALL ALSO NOTIFY THE FACILITY OF SUCH FINDINGS WITHIN ~~10~~ TEN DAYS OF THE DETERMINATION, BUT THE NAME OF THE COMPLAINANT OR RESIDENTS SHALL NOT BE DISCLOSED IN THIS NOTICE TO THE FACILITY. THE NOTICE OF SUCH FINDINGS SHALL INCLUDE A COPY OF

## Section 300.3310(h) (continued)

THE WRITTEN DETERMINATION; THE CORRECTION ORDER, IF ANY; THE INSPECTION REPORT; OR WARNING NOTICE, IF ANY; AND THE STATE LICENSEURE ON WHICH THE VIOLATION IS LISTED. (Section 3-702(e) of the Act)

- i) A WRITTEN DETERMINATION, CORRECTION ORDER, OR WARNING NOTICE CONCERNING A COMPLAINT SHALL BE AVAILABLE FOR PUBLIC INSPECTION, BUT THE NAME OF THE COMPLAINANT OR RESIDENT SHALL NOT BE DISCLOSED WITHOUT THE ~~THIS~~ CONSENT OF THE COMPLAINANT OR RESIDENT. (Section 3-702(f) of the Act)
- j) A COMPLAINANT WHO IS DISSATISFIED WITH THE DETERMINATION OR INVESTIGATION BY THE DEPARTMENT MAY REQUEST A HEARING UNDER SUBSECTION (k) OF THIS SECTION ~~BELOW~~. THE FACILITY SHALL BE GIVEN NOTICE OF ANY SUCH HEARING AND MAY PARTICIPATE IN THE HEARING AS A PARTY. IF A FACILITY REQUESTS A HEARING UNDER SUBSECTION (k) OF THIS SECTION ~~BELOW~~ WHICH CONCERNS A MATTER COVERED BY A COMPLAINT, THE COMPLAINANT SHALL BE GIVEN WRITTEN NOTICE AND MAY PARTICIPATE IN THE HEARING AS A PARTY. A REQUEST FOR A HEARING BY EITHER A COMPLAINANT OR A FACILITY SHALL BE SUBMITTED IN WRITING TO THE DEPARTMENT WITHIN 30 DAYS AFTER THE MAILING OF THE DEPARTMENT'S FINDINGS AS DESCRIBED IN SUBSECTION (h) OF THIS SECTION ~~ABOVE~~. UPON RECEIPT OF THE REQUEST THE DEPARTMENT SHALL CONDUCT A HEARING AS PROVIDED UNDER SUBSECTION (k) OF THIS SECTION ~~ABOVE~~. (Section 3-702(g) of the Act)
- k) Any person aggrieved by a decision of the Department ~~of a facility~~ rendered in a particular case which affects the legal rights, duties or privileges created under the ~~this~~ Act may have such decision reviewed in accordance with Sections 3-703 through ~~449~~ 3-712 of the Act.
- l) When the Department finds that a provision of Article II of the Act regarding residents' rights has been violated with regard to a particular resident, the Department shall issue an order requiring the facility to reimburse the resident for injuries incurred, or \$100, whichever is greater.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.3320 Confidentiality

- a) THE DEPARTMENT, THE FACILITY AND ALL OTHER PUBLIC OR PRIVATE AGENCIES SHALL RESPECT THE CONFIDENTIALITY OF A RESIDENT'S RECORD AND SHALL NOT DIVULGE OR DISCLOSE THE CONTENTS OF A RECORD IN A MANNER WHICH



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.3320(a) (continued)

IDENTIFIES A RESIDENT, EXCEPT UPON A RESIDENT'S DEATH TO A RELATIVE OR GUARDIAN, OR UNDER JUDICIAL PROCEEDINGS. THIS SECTION ~~REGULATION~~ SHALL NOT BE CONSTRUED TO LIMIT THE RIGHT OF A RESIDENT OR A RESIDENT'S REPRESENTATIVE TO INSPECT OR COPY THE RESIDENT'S RECORDS. (Section 2-206(a) of the Act)

- b) CONFIDENTIAL MEDICAL, SOCIAL, PERSONAL, OR FINANCIAL INFORMATION IDENTIFYING A RESIDENT SHALL NOT BE AVAILABLE FOR PUBLIC INSPECTION IN A MANNER WHICH IDENTIFIES A RESIDENT. (B-~~7-C~~) (Section 2-206(b) of the Act)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## Section 300.3330 Facility Implementation

- a) THE FACILITY SHALL ESTABLISH WRITTEN POLICIES AND PROCEDURES TO IMPLEMENT THE RESPONSIBILITIES AND RIGHTS PROVIDED IN ARTICLE II OF THE ACT. THE POLICIES SHALL INCLUDE THE PROCEDURE FOR THE INVESTIGATION AND RESOLUTION OF RESIDENT COMPLAINTS UNDER THE ACT. THE POLICIES SHALL BE CLEAR AND UNAMBIGUOUS AND SHALL BE AVAILABLE FOR INSPECTION BY ANY PERSON. A SUMMARY OF THE POLICIES AND PROCEDURES, PRINTED IN NOT LESS THAN 12 POINT TYPE, SHALL BE DISTRIBUTED TO EACH RESIDENT AND REPRESENTATIVE. ~~4C~~ (Section 2-210 of the Act)

- b) The facility shall provide copies of these policies and procedures upon request to next of kin, sponsoring agencies, representative payees and the public. ~~4C~~

- c) EACH RESIDENT SHALL BE GIVEN A WRITTEN SUMMARY OF ALL THE RIGHTS ENUMERATED IN PART I OF ARTICLE II OF THE ACT AT THE TIME OF ADMISSION TO A FACILITY OR AS SOON THEREAFTER AS THE CONDITION OF THIS RESIDENT PERMITS. AT THE TIME OF IMPLEMENTATION OF THE ACT EACH RESIDENT SHALL BE GIVEN A WRITTEN SUMMARY OF ALL THE RIGHTS ENUMERATED IN PART I OF ARTICLE II OF THE ACT. IF A RESIDENT IS UNABLE TO READ SUCH WRITTEN SUMMARY, IT SHALL BE READ TO THE RESIDENT IN A LANGUAGE THE RESIDENT UNDERSTANDS. IN THE CASE OF A MINOR OR A PERSON HAVING A GUARDIAN, BOTH THE RESIDENT AND THE PARENT OR GUARDIAN SHALL BE FULLY INFORMED OF THESE RIGHTS AND RESPONSIBILITIES. ~~4C~~ (Section 2-211 of the Act)

- d) The resident, resident's representative, guardian, or parent of a minor resident shall acknowledge in writing the receipt from the facility of a copy of all resident rights set forth in Article II of

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.3330(d) (continued)

the Act and a copy of all facility policies implementing such rights. ~~4C~~

- e) THE FACILITY SHALL ENSURE THAT ITS STAFF IS FAMILIAR WITH AND OBSERVES THE RIGHTS AND RESPONSIBILITIES ENUMERATED IN THE ACT AND THIS PART ~~THESE REGULATIONS~~. (B-~~7-C~~) (Section 2-211 of the Act)

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)

## SUBPART R: DAYCARE PROGRAMS

## Section 300.3710 Day Care In Long-Term Care Facilities

- a) For a licensed long-term care facility to be approved for a day care program, it is necessary that the facility meet all licensing requirements for its level of care.
- b) In addition, the following criteria must also be met.
- 1) Staff: Sufficient and satisfactory personnel shall be on duty to provide services that meet the total needs of the day care residents, without detracting from the services given to the residents in the facility in accordance with various staffing requirements in this Part.

## 2) Space:

- A) Dining - Adequate space and equipment available to accommodate the additional residents in accordance with Subparts J and L and Sections 300.2070 or 300.3070.
- B) Activity Area - Large enough area to accommodate capacity of facility, plus additional "Day Care" residents in accordance with Sections 300.2870 or 300.3070.
- C) Rest Area - A definite area should be designated as an area available for the Day Care resident to nap or rest. This area should be equipped with beds (roll-aways can be used) or cots and portable screens. There should also be adequate space available for personal items storage for the number of Day Care residents being cared for. Suggested areas which can be utilized for the Day Care resident could include:



DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.3710(b)(2)(C) (continued)

i) Facilities having more than one communal area (such as a lounge, sunporch, and other areas ~~etc.~~) could designate one of these for rest areas;

ii) Non-occupied rooms (no one assigned to these rooms);

iii) Toilets - Adequate number to accommodate extra number of residents in accordance with Sections 300.2860 and 300.3060.

## 3) Records:

A) A statement by a physician who has evaluated the resident within the last 30 days stating the resident is free of communicable and infectious disease, and indicating any medication ~~and/or~~ and treatments and diet needed by the resident during the period of time in the facility. Permission should also be granted in this statement for the resident to participate in activities with any contraindications or limitations.

B) Medication and Treatment record - Required for any medications or treatments given during resident stay in the facility. (Medications must be in original containers and properly labeled.)

C) "Face" sheet or admission sheet - Containing all pertinent information necessary for the "safe keeping" of the resident such as complete name; address, telephone number, social security number, medicare number, and age of resident; name, business, and home address, and telephone number of person to notify in an emergency; name of family physician; name of physician to call in an emergency.

D) Incident Report - in case of medication error or accident of any kind.

4) There must be written policies covering "Day Care" Service in the facility which explain implementation of this section.

5) Permission for a Day Care Program requires identifying the services of the facility that will be used in the program. Examples: Activity area, dining area, administering of medications by nursing staff, physical therapy, speech, and social services ~~etc.~~.

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

## Section 300.3710(b) (continued)

6) The maximum number of "Day Care" residents served shall be reported with the application under Section 300.610 of this Part.

7) The facility shall consider the following in developing and providing "Day Care Programs":

A) Use of house or advisory physician for emergencies;

B) Insurance coverage;

C) Signed agreement with family or responsible individual;

D) Permission to be involved in activities outside of the facility (in the community);

E) Attendance record; and

F) Facility should be aware of method and time of pick-up and delivery of the Day Care residents.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)



ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Licensing
- 2) Code Citation: 11 Ill. Adm. Code 502
- 3) Section Numbers: 502.40  
Adopted Action:  
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 8,  
pars. 37-9(b), 37-15.
- 5) Effective Date of Amendments: March 22, 1989
- 6) Does this rulemaking contain an automatic repeal date?  
Yes X No
- 7) Does this amendment contain incorporations by reference?  
No.

8) Date Filed in Agency's Principal Office: December 17, 1989

9) Notice of Proposed Rulemaking Published in Illinois Register:

12 Ill. Reg. 18105, November 14, 1988

10) Has JCAR issued a Statement of Objections to this rule?  
No.

11) Difference between proposal and final version:  
Placed a cross-reference to the specific requirements in Section 502.40(a) to state in part: "Owners otherwise meeting the requirements of Section 502.30 and Subparts B, C and D of the Part shall be granted a temporary license pending completion of the full application."

Amended Section 502.40(a) to include this policy to state: "Upon expiration of the 30-day temporary license, the owner's occupation license will be suspended pending completion of all licensing procedures."

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

Updated the citation in the Authority note to state: **AUTHORITY:** Implementing Section 15 and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1987, ch. 8, par. 37-15 and 37-9(b)).

Underlined the proposed language in Section 502.40(a) upon filing adopted amendments.

Stated 13 Ill. Reg. in its Source note and Section Source note.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will this amendments replace an emergency amendment currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments:

The amendments set forth the procedures and requirements for issuance of a temporary license pending completion of all licensure requirements.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Michael B. McClure  
Board Counsel  
Address: State of Illinois Center  
Illinois Racing Board  
Suite 11-100  
100 West Randolph Street  
Chicago, Illinois 60601

Telephone: (312) 917-2600

The full text of the Adopted Amendments begins on the next page:



ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER C: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 502  
LICENSING

SUBPART A: PROCEDURE

Section	
502.10	Submission of Application
502.20	Complete Application
502.30	License Fees
502.40	Duration and Extent of Occupation Licenses
502.50	Rulings and Hearings
502.55	Denial of License
502.58	License to Participate

SUBPART B: STATUTORY GROUNDS FOR DENIAL OF A LICENSE

Section	
502.60	Denial of a License for Criminal Conviction
502.72	First-Time Applicant Who Has Been Convicted of a Crime
502.76	Prohibitions Against Persons on Probation
502.78	Probationary Nature of Licenses
502.80	Unqualified to Perform the Duties
502.90	Falsifying Answers or Omitting Facts
502.100	Just Cause
502.102	Burden of Going Forward
502.104	Denial of a License for Just Cause in Illinois or in Another Racing Jurisdiction

SUBPART C: GENERAL CRITERIA

Section	
502.110	Criteria for Determining Eligibility
502.115	Standards Required of All Applicants

SUBPART D: OWNERS

Section	
502.120	Owners

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART E: TRAINERS AND ASSISTANT TRAINERS

Section	
502.200	Trainers and Assistant Trainers
502.210	Prospective Trainers or Assistant Trainers
502.220	Workers' Compensation

SUBPART F: JOCKEYS AND APPRENTICE JOCKEYS

Section	
502.230	Jockeys and Apprentice Jockeys
502.235	Apprentice Jockeys, Criteria for Eligibility
502.238	Apprentice Contract or Certificate

SUBPART G: DRIVERS

Section	
502.250	Harness Driver
502.260	Prospective Harness Drivers
502.270	"Q" Licenses
502.280	"P" Licenses
502.290	"A" Licenses

SUBPART H: OTHER LICENSEES

Section	
502.300	Veterinarians
502.320	Veterinary Assistant
502.350	Farrriers (Blacksmiths)
502.380	Exercise Riders
502.400	Pony Person
502.450	Stable Foreman
502.500	Jockey Agents
502.600	Authorized Agents
502.650	Tack Shop Operators and Other Vendors
502.660	Vendor Helper
502.680	Thoroughbred Grooms
502.690	Harness Grooms
502.700	Hotwalker
502.790	Totalizator Employee

SUBPART I: CONFLICTS OF INTEREST

Section	
502.800	General Provisions
502.820	Dual Licensing



## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 502.830 Limitations on License  
502.840 Husbands and Wives  
502.850 Transfer of a Horse

AUTHORITY: Implementing Section 15 and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1985 ch. 8, pars. 37-15 and 37-9(b)).

SOURCE: Emergency rule adopted and codified at 6 Ill. Reg. 9711, effective July 27, 1982, for a maximum of 150 days; adopted and codified at 6 Ill. Reg. 13786, effective October 25, 1982; amended at 7 Ill. Reg. 5225, effective April 1, 1983; amended at 11 Ill. Reg. 20611, effective January 1, 1988; amended at 13 Ill. Reg. 1562, effective January 23, 1989; amended at 13 Ill. Reg. 4931, effective March 22, 1989.

## SUBPART A: PROCEDURE

## Section 502.40 Duration and Extent of Occupation Licenses

- a) Each occupation license shall expire December 31 of each year. Owners otherwise meeting the requirements of Section 502.30 and Subparts B, C, and D of this Part shall be granted a temporary license pending completion of the full application, which will be valid for 30 days from the date of issuance, and shall be valid to enter the horses named on the application for a period of 12 days from the date of issuance. Upon expiration of the 30-day temporary license, the owner's occupation license will be suspended pending completion of all licensing procedures.
- b) An occupation license issued at one race meeting during the calendar year shall be valid at any other race meeting regulated by the Board that year provided that the holder:
- 1) is not found to be in violation of the Act or of the rules of the Board;
  - 2) is not convicted of a crime as defined in 502.60;
  - 3) has not had his license or permit suspended or revoked in any other racing jurisdiction; and

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 4) is qualified to perform the duties required of such applicant, according to Sections 502.120 through 520.790.

(Source: Amended at 13 Ill. Reg. 4931, effective March 22, 1989.)



## SECRETARY OF STATE

## NOTICE OF ADOPTED RULES

1) The Heading of the Part: Credit Services Organizations2) Code Citation: 14 Ill. Adm. Code 1773) Section numbers: Adopted Action:

177.10 New Section

177.20 New Section

177.30 New Section

Illustration A New Section

Illustration B New Section

4) Statutory Authority: Implementing and authorized by the Credit Services Organizations Act (P.A. 85-1384, effective January 1, 1989)5) Effective Date of Amendment: April 1, 19896) Does this rulemaking contain an automatic repeal date? No7) Does this amendment contain incorporations by reference? No8) Date Filed in Agency's Principal Office: April 1, 19899) Notice of Proposal Published in Illinois Register:

December 9, 1988, 12 Ill. Reg. 20434

10) Has JC&R issued a Statement of Objections to these amendments? No.11) Differences between proposal and final version:

1. In #5 of Illustration A, deleted the underscoring.

2. Modified Section 177.20(c) by adding the following after the phrase "A \$100,000 surety bond":

if a credit services organization charges or receives any money or other valuable consideration prior to full and complete performance of the services the credit services organization has agreed to perform (Section 5(1) of P.A. 85-1384).

3. In line 1 of Section 177.30 added the phrase "with the Index Department" after the word "hereunder".

4. In line 3 of Section 177.10, added "Secretary's" between the words "the" and "Index Department".

5. In Section 177. Illustration B changed "111 E. Monroe" to "111 East Monroe Street".

## SECRETARY OF STATE

## NOTICE OF ADOPTED RULES

6. In the first line of the third paragraph of Section 177. Illustration A added "if that credit services organization charges or receives any money or other valuable consideration prior to full and complete performance of the services the credit services organization has agreed to perform".

12) Have all the changes agreed upon by the agency and JC&R been made as indicated in the agreement letter issued by JC&R? Yes

13) Will these amendments replace an emergency rule amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules:

This rulemaking implements the Secretary of State's duties under the Credit Services Organization Act. It includes the registration and bond forms, and state when and where the forms are to be filed with the Secretary.

16) Information and questions regarding these adopted amendments shall be directed to:

Philip S. Howe  
Counsel to the Secretary  
298 Centennial Building  
Springfield, Illinois 62706  
(217)785-3094

The full text of the Adopted Rules begins on the next page:



## SECRETARY OF STATE

## NOTICE OF ADOPTED RULES

## TITLE 14: COMMERCE

## SUBTITLE A: REGULATION OF BUSINESS

## CHAPTER 1: SECRETARY OF STATE

## PART 177

## CREDIT SERVICES ORGANIZATIONS

## Section

- 177.10 Filing with the Secretary of State  
 177.20 Requirements for Filing  
 177.30 Availability of Records

ILLUSTRATION A Credit Services Organization Registration Statement  
 ILLUSTRATION B Credit Services Organization Surety Bond

AUTHORITY: Implementing and authorized by the Credit Services Organizations Act (P.A. 85-1384, effective January 1, 1989).

SOURCE: Adopted at 13 Ill. Reg. 4937, effective April 1, 1989.

## Section 177.10 Filing with the Secretary of State

All documents required to be filed with the Secretary of State by the Credit Services Organizations Act (P.A. 85-1384, effective January 1, 1989) shall be filed with the Secretary's Index Department, 111 East Monroe Street, Springfield, Illinois 62756, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays.

## Section 177.20 Requirements for Filing

- a) A registration statement. The statement as shown in Illustration A will be supplied by the Index Department and shall be used by the credit services organization.
- b) A one hundred dollar (\$100.00) filing fee. The fee shall be paid in cash, by money order, certified check or personal check. No registration statement shall be accepted and filed without the payment of the fee.
- c) A \$100,000.00 surety bond if a credit services organization *charges or receives any money or other valuable consideration prior to full and complete performance of the services the credit services organization has agreed to perform* (Section 5(1) of P.A. 85-1384). The bond shall contain the same terminology as the bond shown in Illustration B. The bond form will be supplied by the Index Department.

## Section 177.30 Availability of Records

The registration statements and bonds filed hereunder with the Index Department shall be available for inspection and copying during the normal work hours.

## SECRETARY OF STATE

## NOTICE OF ADOPTED RULES

Section 177. ILLUSTRATION A - Credit Services Organization  
 Registration StatementSTATE OF ILLINOIS  
 CREDIT SERVICES ORGANIZATION  
 REGISTRATION STATEMENT  
 (\$100 Filing Fee)

This registration statement, along with a \$100 filing fee and a \$100,000 surety bond are to be filed with the Secretary of State, Index Department, 111 East Monroe Street, Springfield, IL 62756.

When a change in the information contained in this statement occurs the credit services organization is required to file an amended statement within 90 days. There is no fee for filing amended statements.

A credit services organization is required to continuously maintain a \$100,000 surety bond if that credit services organization charges or receives any money or other valuable consideration prior to full and complete performance of the services the credit services organization has agreed to perform. A bond shall also be maintained for a period of 2 years after the date that the organization ceases operations.

A file-stamped copy of this statement will be returned to the credit services organization who must maintain the copy in their files and allow a buyer to inspect the registration statement.

## 1. Name and address of the credit services organization.

## 2. Name and address of the registered agent or individual authorized to accept service of process on behalf of the credit services organization.

3. Name and address of any and all persons who directly or indirectly own or control 10 percent or more of the outstanding shares of stock in the credit services organization.  
 (If additional space is needed, attach a listing)



## SECRETARY OF STATE

## NOTICE OF ADOPTED RULES

4. If any, the bond number, name and location of the surety company issuing a \$100,000 surety bond as required by the Credit Services Organizations Act.  
Bond number \_\_\_\_\_

5. (A) Has there been any litigation or unresolved complaint filed with a governmental authority of this State, any other state or the United States relating to the operation of this Credit Services Organization? \_\_\_\_\_ No \_\_\_\_\_ Yes

If answer is yes, you must attach a full and complete disclosure.

- (B) If there has been no litigation or unresolved complaint filed, the following statement must be completed and notarized.

I, \_\_\_\_\_, name \_\_\_\_\_, official capacity \_\_\_\_\_  
of \_\_\_\_\_, name of credit service organization \_\_\_\_\_

do hereby affirm that there has been no litigation or unresolved complaint filed with a governmental authority of this State, any other State or the United States relating to the operation of this credit services organization.

signature \_\_\_\_\_  
Subscribed and affirmed to before me on \_\_\_\_\_,  
19 \_\_\_\_.

(seal) signature of notary public

6. I do hereby affirm that the foregoing statements and any attachments are true and correct.

signature \_\_\_\_\_  
official capacity \_\_\_\_\_  
Subscribed and affirmed to before me on \_\_\_\_\_,  
19 \_\_\_\_.

(seal) signature of notary public

## SECRETARY OF STATE

## NOTICE OF ADOPTED RULES

Section 177. ILLUSTRATION B - Credit Services Organization Surety Bond

STATE OF ILLINOIS  
CREDIT SERVICES ORGANIZATION  
\$100,000 SURETY BOND

File with Secretary of State, Index Department, 111 East Monroe Street,  
Springfield, IL 62756

(Required by Public Act 85-1384,  
effective January 1, 1989)

Bond Number \_\_\_\_\_  
Premium \$ \_\_\_\_\_ Term \_\_\_\_\_

## KNOW ALL PERSONS BY THESE PRESENTS:

That \_\_\_\_\_  
Name of Principal  
as principal, doing business under the name of \_\_\_\_\_,  
Name of Business  
a credit services organization, and whose address for service is \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

and \_\_\_\_\_, a corporation  
Name of Surety

authorized to transact a general surety business in the State of Illinois, as surety, are held firmly bound unto the People of the State of Illinois in the penal sum of \$100,000, for the payment of which, we bind ourselves, our heirs, executors, successors and assigns, jointly and severally, firmly by these presents.

The principal is engaged in the business of selling the services of a credit services organization within the meaning of the "Credit Services Organizations Act" (Public Act 85-1384, approved September 1, 1988, effective January 1, 1989) and is required to furnish a bond conditioned as herein set forth; and this bond is executed and tendered in accordance therewith.



NOTICE OF ADOPTED RULES

The conditions of this obligation are that if the principal complies with the provisions of the "Credit Services Organizations Act" and does not damage any person by any violation of said Act then this obligation is to be void, otherwise it is to remain in full force and effect.

Any person damaged by any violation of the "Credit Services Organizations Act" may bring an action of law against the principal and surety on this bond in his or her own name to recover such damages.

The liability of surety for any claim arising under this bond shall not exceed the actual damages arising from principal's violation of the "Credit Services Organizations Act" and surety shall not be liable for the punitive damages permitted under Section 11 of the Act.

The aggregate liability of the surety on all claims whatsoever shall not exceed the amount of this bond.

This bond is executed by the surety to comply with the provisions of the "Credit Services Organizations Act" and said bond shall be subject to all of the terms and provisions thereof.

Name of Officer of Business	Name of Surety
_____	_____
Address	Address
_____	_____

This bond is executed under an unrevoked appointment or power of attorney.

I certify (or declare) under penalty of perjury under the laws of the State of Illinois that the foregoing is true and correct.

Date	Signature of Attorney-In-Fact
_____	_____
	Printed or Typed Name of Attorney-In-Fact
	_____

A credit services organization is required to continuously maintain a \$100,000 surety bond. A bond shall also be maintained for a period of 2 years after the date that the organization ceases operations.

NOTICE OF ADOPTED RULES

- 1) The Heading of the Part: Remittance Agents
- 2) Code Citation: 92 Ill. Adm. Code 1019
- 3) Section numbers:  

1019.5	Adopted Action:
1019.10	New Section
1019.20	New Section
1019.30	New Section
1019.35	New Section
1019.40	New Section
1019.45	New Section
- 4) Statutory Authority: Section 2-104(b) and Article IX of Chapter 3 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b) and 3-900 et seq.)
- 5) Effective Date of Rules: April 1, 1989
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 1, 1989
- 9) Notice of Proposal Published in Illinois Register:  
November 28, 1988, 12 Ill. Reg. 19652
- 10) Has JCAR issued a Statement of Objections to these amendments? No.
- 11) Differences between proposal and final version:  
Pursuant to suggestions from the Administrative Code Division, the following changes were made:

The heading was changed from "Rule" to "Rules".

The heading in Section 1019.30 was made to agree in the agree in the table of contents and the text of the rule "Agent's" was pluralized.

In the authority note, Section 1019.30(e), and Section 1019.35(d), "Section 3-900 et seq." was changed to "Article IX of Chapter 3".

In the "Illinois Vehicle Title & Registration Law" references through the rule the ampersand (&) was added instead of "and".



## SECRETARY OF STATE

## NOTICE OF ADOPTED RULES

In the main source note, "Source" was put in all capital letters.

In the text of the rule, the word "Section" was added in front of the Section number for Section 1019.10.

In Section 1019.40(b), "Accounting Revenue Department" was changed to "Department of Accounting Revenue".

In Section 1019.30(c), line 4, "2-100" was changed to "2-101". In line 5, "Section 439.1 et seq. of" was deleted. Also in line 6 and 7, "Section 439.102 et seq. of" was deleted and in the statutory citation "439.102" was changed "439.101".

In Section 1010.45 the subsection label was deleted and the text was moved to the one inch left hand margin.

Pursuant to an agreement with JCAR the following further changes were made:

In Section 1019.5, in the definition of "Financially Sound", "as evidenced by the surety bond obtained pursuant to Section 3-905 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 3-905)." In the definition of "Good Business Integrity", "as evidenced by the surety bond obtained pursuant to Section 3-905 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 3-905), or good moral principle and character in business dealings."

In Section 1019.10(a), in the fifth line, "Office" was capitalized and "of the Secretary of State" was added. In Section 1019.10(b) the spelling of "notarized" was corrected.

In Section 1019.20(a), in the fourth line, "certain" was replaced with "the" and "outlined in Section 3-906 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 3-906)". Also in the second sentence, "person is denied was changed to "person's application is denied".

In Section 1019.20(b), line 9, "is" was changed to "are". In line 12 following "irregularities", "(e.g. failure to keep records as required by Section 3-910 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 3-910))" was added.

## SECRETARY OF STATE

## NOTICE OF ADOPTED RULES

In Section 1019.30(c), in line 7, following "denial", "pursuant to Section 3-906 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 3-906).

In Section 1019.30(c)(2), in the first line following "fees", "pursuant to Section 3-906(4) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 3-906(4))"

In Section 1019.40(b)(9), the hyphen was deleted in pick-up.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency rule amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules:

This rulemaking will clarify recordkeeping requirements, suspension and revocation requirements, as well as standardizing certain processing procedures for remittance agents.

16) Information and questions regarding these adopted amendment shall be directed to:

Robert B. Powers  
Assistant Counsel to the Secretary  
298 Centennial Building  
Springfield, Illinois 62706  
(217)785-3094

The full text of the adopted rules begins on the next page:



TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1019  
REMITTANCE AGENTS

## Section

- 1019.5 Definitions
- 1019.10 Application for Remittance Agent License and Renewal
- 1019.20 Denial of Application for Remittance Agent's License
- 1019.30 Suspension and Revocation of Remittance Agents' Licenses
- 1019.35 Processing Transactions
- 1019.40 Recordkeeping Requirements
- 1019.45 Severability Clause

AUTHORITY: Implementing Article IX of Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 3-900 et seq. and 2-104(b)).

SOURCE: Adopted at 13 Ill. Reg. 4944, effective April 1, 1989.

## Section 1019.5 Definitions

- a) For purposes of this Part, the following definitions shall apply:

"Applicant" - person requesting that a title and/or registration be issued in his/her name.

"Department" - Department of Vehicle Services within the Office of the Secretary of State.

"Financially Sound" - solvent and able to pay expenses and debts as due as evidenced by the surety bond obtained pursuant to Section 3-905 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-905).

"Fraudulent Activity" - any activity in which a person knowingly falsifies information.

"Good Business Integrity" - soundness or good moral principle and character in business dealings as evidenced by the surety bond obtained pursuant to Section 3-905 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-905), or good moral principle and character in business dealings.

"Immediate Family" - spouse, offspring, sibling, or parent.

"Licensee" - a licensed remittance agent.

"Revocation" - the termination by formal action of a person's license to operate as a remittance agent.

"Secretary" - Secretary of the State of Illinois.

"Suspension" - the temporary withdrawal by formal action by the Secretary of a person's license to operate as a remittance agent for thirty (30) days pending compliance and re-audit.

"Transaction" - an application for title and/or registration of a vehicle, any supporting documents and fees for remittance to the Department.

## Section 1019.10 Application for Remittance Agent License and Renewal

- a) If a person wishes to become a remittance agent, he/she shall file an application and bond pursuant to Sections 3-904 and 3-905 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 3-904 and 3-905). The application shall be filed with the Office of the Secretary of State as set forth in subsection (g) of this Section.

- b) The notarized application shall contain the following information:

- 1) the previous year's license number if the person is currently licensed as a remittance agent;
- 2) the name of the business;
- 3) the location of the business;
- 4) the applicant's home address, home telephone number and business telephone number;
- 5) the applicant's business, occupation or profession;
- 6) the total amount of cash, checks or money orders made payable to the remitter received for remittance to the State in the highest 15 day period in the preceding year if the person is currently licensed;
- 7) whether the applicant, a member of his/her immediate family, or an employee of the applicant is an employee of the



## SECRETARY OF STATE

## NOTICE OF ADOPTED RULES

Secretary of State;

- 8) whether the applicant has ever been involved in civil or criminal litigation and if so, the type of litigation, the date and suit or charge, the court in which the matter was heard, the style or caption of the case, the disposition of the matter, and if the judgment has been satisfied; and

- 9) a list of the employees.

- c) A surety bond shall be posted for each location that the applicant intends to do business as a remittance agent. Each bond shall be for \$10,000 or in the amount of cash, checks or money orders made payable to the remitter received for remittance to the Department during the highest 15 day period in the year preceding the year for which the license is applied, whichever is greater. The bond shall be issued by a bonding or insurance company authorized to do business in Illinois. The Department shall use a list issued by the Department of Insurance to determine if the bonding or insurance company is authorized to issue the bond.

- d) The applicant shall also submit the statutory fee provided in Section 3-905 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code for application. A license is issued for a period of one year terminating on December 31 each year.

- e) A remittance agent wishing to renew his/her license shall submit the material required by this Section to the Department between September 1 and December 31 of the year before the new license will become effective.

- f) All remittance agent license applications and corresponding materials should be submitted to:

Office of the Secretary of State  
Special Services Division  
Centennial Building, Room 108  
Springfield, Illinois 62756

- g) The Department will make available the application form to any person who requests one. Only the Department's form shall be accepted to apply for a license to operate as a remittance agent.

## Section 1019.20 Denial of Application for Remittance Agent's License

- a) Pursuant to Section 3-906 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-906), the Department shall deny an

## SECRETARY OF STATE

## NOTICE OF ADOPTED RULES

application for remittance agent's licenses under the circumstances outlined in Section 3-906 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-906). If a person's application is denied, he/she shall be sent his/her application and a notice of the denial by certified mail within two (2) weeks of the date the application was submitted. The notice shall contain the reason for the denial and inform the applicant of his opportunity to request an administrative hearing to contest the denial pursuant to 92 Ill. Adm. Code 1001.

- b) Renewal of a remittance agent's license shall be denied if upon investigation it is discovered that the remittance agent is not financially sound and/or of good business integrity or is otherwise ineligible for a license as provided in Section 3-906 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-906). Auditors from the Department of Accounting Revenue within the Office of the Secretary of State shall conduct yearly inspections which includes but are not limited to examination of the temporary permits and the bond amounts. The auditors shall also be authorized by the Department to inspect the remittance agent's business records and to report any irregularities (e.g., failure to keep records as required by Section 3-910 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-910)) to the Department. Any further investigation shall be conducted by the Department of Police within the Office of the Secretary of State.

- c) The Department shall consider written complaints (i.e. from family, friends, neighbors, business associates, customers, other agencies, and the auditors from the Department of Accounting Revenue) in denying a remittance agent's license. Upon receipt of a complaint, the Secretary of State police shall investigate the matter. If upon this investigation it is discovered that a basis for denial exists pursuant to Section 3-906 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-906), the remittance agent's current license shall be suspended or revoked as provided in Section 1019.30 if he/she is currently licensed as a remittance agent.

## Section 1019.30 Suspension and Revocation of Remittance Agents' Licenses

- a) Pursuant to Section 3-907 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-907), the Department shall suspend a person's remittance agent's license under the following



## NOTICE OF ADOPTED RULES

## circumstances:

- 1) he/she fails to keep records as provided in Section 3-910 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-910);
  - 2) he/she fails to furnish information requested by the Department or file a bond as required by Section 3-905 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-905); or
  - 3) it is discovered that he/she or a member of his/her immediate family is an employee of the Secretary of State.
- b) The suspension shall remain in effect for thirty (30) days during which an audit shall be conducted to determine compliance with Section 3-900 et seq. of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-900 et seq.). If he/she has come into compliance, his/her remittance agent's license shall be restored. If the remittance agent has not come into compliance, he/she shall have his/her remittance agent privileges revoked.
- c) A person shall have his/her remittance agent's license revoked under the following circumstances:

- 1) he/she attempts to do business or does business as a remittance agent while his/her privileges are suspended or revoked;
- 2) he/she fails to remit the proper fees pursuant to Section 3-906(4) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-906(4)) to the Department or the Illinois Department of Revenue or the check submitted to the Department or the Illinois Department of Revenue is returned by the bank because of insufficient funds and if he/she fails to submit the proper fees within ten (10) days after a written request by the Department;
- 3) he/she engages in a fraudulent activity or forgery while operating as a remittance agent as determined by the Department after an investigation;
- 4) he/she is guilty of violating any provision of Chapters 2, 3 or 4 of the Illinois Vehicle Title & Registration Law of

## NOTICE OF ADOPTED RULES

the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 2-101 et seq., 3-100 et seq., and 4-100 et seq.) or the Use Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 439.1 et seq.) or the Service Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 95½, par. 439.101 et seq.);

- 5) he/she has been suspended two (2) times or more in one year; or
  - 6) he/she has been convicted of a felony.
- d) The Department shall consider written complaints (i.e. family, friends, neighbors, business associates, customers, other agencies, and auditors from the Department of Accounting Revenue) in determining whether a remittance agent's license shall be suspended or revoked. Upon receipt of a complaint, the Department of Police within the Office of the Secretary of State shall investigate the matter to determine if a basis exists under this Section for a suspension or revocation.
- e) A revocation shall be for at least one year. The remittance agent shall be notified by certified mail that his/her license to operate as a remittance agent is going to be revoked. The notice shall contain the effective date of the revocation, the violation which is the cause of the revocation, and how he/she can contest the revocation. The remittance agent shall be given ten (10) days from the date of the notice before the revocation will become effective. In order to be reinstated following a revocation, the person shall request an administrative hearing as provided in 92 Ill. Adm. Code 1001 et seq. The person's remittance agent license shall not be restored until the Secretary is satisfied that he/she will comply with the provisions of Article IX of Chapter 3 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code and is of good business integrity.

- f) If a person wishes to contest the suspension or revocation of his/her remittance agent's license, he/she shall request an administrative hearing pursuant to Section 3-907 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-907) and 92 Ill. Adm. Code 1001.

## Section 1019.35 Processing Transactions

- a) Applications for title and registration submitted to the Department by persons acting as remittance agents are processed at the following addresses:



## SECRETARY OF STATE

## NOTICE OF ADOPTED RULES

1) Office of the Secretary of State  
Chicago West Facility  
5301 West Lexington Avenue  
Chicago, Illinois 60644

2) Office of the Secretary of State  
Chicago North Facility  
5401 North Elston Avenue  
Chicago, Illinois 60630

3) Office of the Secretary of State  
Charles Chew Facility  
9901 South King Drive  
Chicago, Illinois 60628

4) Office of the Secretary of State  
Vehicle Services Department  
Centennial Building, Room 011  
Springfield, Illinois 62756

b) The business hours are from 7 a.m. until 4:30 p.m. on Monday through Friday at the Centennial Building in Springfield. At the Chicago West, North and Charles Chew Facilities the business hours are from 8 a.m. to 4:30 p.m. on Monday, Tuesday, Thursday and Friday and from 12 noon until 8 p.m. on Wednesday. The applications may also be processed by mailing them to the following address:

Office of the Secretary of State  
Vehicle Services Department  
Centennial Building  
Springfield, Illinois 62756

c) All transactions shall be delivered to the Department within five (5) days of receipt by the remittance agent. Failure to comply with this Section shall be grounds for suspension or revocation of the remittance agent's license, based upon the severity of the violation.

d) Any person who picks-up or receives transactions from other remittance agents, dealers, currency exchanges, financial institutions or any other person exempt from being licensed as a remittance agent under Section 3-902 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-902) shall be considered a remittance agent under provisions of Article IX of Chapter 3 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-900 et seq.) and required

## SECRETARY OF STATE

## NOTICE OF ADOPTED RULES

to be licensed in accordance with this Part.

e) The names of all employees of the remittance agent shall appear on the remittance agent's license application. Such persons shall be issued I.D. cards authorizing them to process transactions at authorized Secretary of State facilities. Any person without an I.D. card shall not be allowed to process transactions. The Department shall be notified in writing of any changes in personnel, business location, and/or the business name during the licensing year within ten (10) calendar days of the occurrence of the change.

f) No remittance agent shall employ any individual who is employed by the Department or by the Office of the Secretary of State or a member of his/her immediate family employed by the Department or the Office of the Secretary of State. This prohibition shall not apply to persons employed by a remittance agent prior to April 10, 1983 and the name of any employee within this exception shall be reported to the Department within thirty (30) days of the effective date of this rule.

g) Any remittance agent delivering a transaction to the Department shall stamp his/her remittance number in the designated space on the front of the application. Any other remittance agent involved in the transaction shall stamp his/her remittance agent number on the back of the application.

h) The fee submitted to the Department shall be applied to the corresponding applications. Failure of the remittance agent to affix the check or money order to the proper application shall result in the rejection of the transaction.

## Section 1019.40 Recordkeeping Requirements

a) Each person licensed as a remittance agent as defined in Section 3-900 of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-900) shall maintain for a period of three (3) years a record of each transaction involving a remittance to the Department.

b) The records shall be maintained in ledger form or be computerized. If computerized, the records should be available to the auditors from the Department of Accounting Revenue or the officers from the Department of Police within thirty (30) minutes of a request. The records shall contain the following information:

- 1) The name and address of the remittance agent. If the remittance agent has more than one licensed location, the



## NOTICE OF ADOPTED RULES

records shall reflect the location where the transaction was received, processed, or where the records are kept.

- 2) The name and address of the applicant submitting the transaction. If a remittance agent does not make the initial contact with the applicant but receives a transaction from another remittance agent, dealer, currency exchange, or financial institution, the second remittance agent shall record the original applicant's name and address and that of the initiating remittance agent, dealer, currency exchange, or financial institution.
- 3) The address of the Secretary of State facility to which the transaction is delivered. If the transaction is delivered to another remittance agent for delivery to the Department, the name and address of the second remittance agent shall be recorded by the first remittance agent.
- 4) The type of application that the transaction involves.
- 5) The amount of fee received by the remittance agent for delivery to the Department for each transaction. The funds shall be identified as "cash," "check" or "money order" payable to the Secretary of State, or "check" or "money order" payable to the remitter.
- 6) The amount of fee received by the remittance agent for delivery to the Department of Revenue. The funds shall be identified as "cash," "check" or "money order" payable to the Department of Revenue, or "check" or "money order" payable to the remitter.
- 7) The date the fee and transaction were received by the remittance agent.
- 8) The date the fee and transaction were delivered to the Department and the method of delivery.
- 9) The date that the registration plate and/or sticker was delivered to the applicant or initiating remittance agent, dealer, currency exchange or financial institution if applicable. If it is the policy of the remittance agent to have the applicant pick up the registration plate and/or sticker, the date that the applicant was notified of its availability, the method of notification, and date the items were picked up shall be recorded.

## NOTICE OF ADOPTED RULES

**Section 1019.45 Severability Clause**

If any clause or Section of this Part or the application of any provision of this Part to any person or circumstance is rendered unconstitutional, the remainder of this Part or its application to other persons and circumstances shall not be affected. Each clause shall be severable without rendering the rest of the Part invalid. Likewise, each application of the Part shall be severable without rendering future applications invalid.



NOTICE OF REFUSAL TO MEET THE OBJECTION  
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Loan of Military Artifacts

2) <u>Code Citation:</u>	23 Ill. Adm. Code 3300	
3) <u>Section Numbers:</u>	3300.10	Refusal
	3300.20	Refusal
	3300.30	Refusal
	3300.40	Refusal
	3300.50	Refusal
	3300.60	Refusal
	3300.70	Refusal
	3300.80	Refusal

Action:

4) Date Notice of Proposed Rules Published in the Register:

September 23, 1988 12 Ill. Reg. 14809

5) Date JCAR Statement of Objection Published in the Register:

March 17, 1989 13 Ill. Reg. 3440

6) Summary of Action Taken by the Agency:

As noted in the Joint Committee's "Statement of Objection", the Department acknowledges that an artifact was loaned to a State government prior to initiation of rulemaking procedures. However, adoption of these rules will bring the Department into compliance with the Illinois Administrative Procedure Act, and appropriate rules will be implemented in the future in response to new legislative enactments.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of March 20, 1989 through March 24, 1989 and have been scheduled for review by the Committee at its April 5, 1989 meeting or the May meeting. Other items not contained in this published list may also be considered by the Joint Committee at its April meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>Scheduled for Consideration by JCAR</u>
5/4/89	Illinois Racing Board, County Fair Regulations (11 Ill. Adm. Code 437)	1/27/89 13 Ill. Reg. 1099	April 5, 1989
5/5/89	Department of Public Aid, Child Support Enforcement (89 Ill. Adm. Code 160)	2/3/89 13 Ill. Reg. 1396	April 5, 1989
5/8/89	Department of Corrections, Records of Committed Persons (20 Ill. Adm. Code 107)	1/27/89 13 Ill. Reg. 979	April 5, 1989
5/8/89	Secretary of State, Certificate of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)	1/27/89 13 Ill. Reg. 1103	April 5, 1989
5/8/89	Illinois State Board of Investment, State of Illinois Employees' Deferred Compensation Plan (80 Ill. Adm. Code 2700)	1/13/89 13 Ill. Reg. 253	April 5, 1989
5/8/89	Capital Development Board, Standards for Award of Grants Elementary and Secondary Schools Capital Assistance Program (71 Ill. Adm. Code 40)	2/3/89 13 Ill. Reg. 1283	April 5, 1989
5/8/89	Criminal Justice Information Authority, Operating Procedures for the Administration of Federal Funds (20 Ill. Adm. Code 1520)	2/3/89 13 Ill. Reg. 1317	April 5, 1989



## ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED  
(page 2)

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
5/8/89	Illinois Educational Facilities Authority, Functions and Planning Program (23 Ill. Adm. Code 2310)	2/3/89 12 Ill. Reg. 1319	April 5, 1989
5/8/89	Environmental Protection Agency, Procedures for Col- lection of Air Pollution Site Fees (35 Ill. Adm. Code 251)	12/2/88 12 Ill. Reg. 19825	May, 1989
5/8/89	Illinois Commerce Commission, Electric Utility Forecasting (G.O. 215); Repeal of (83 Ill. Adm. Code 435)	1/6/89 13 Ill. Reg. 3	May, 1989
5/8/89	Pollution Control Board, General Rules; Repeal of (35 Ill. Adm. Code 101)	9/23/88 12 Ill. Reg. 14853	May, 1989
5/8/89	Pollution Control Board, General Rules (35 Ill. Adm. Code 101)	9/23/88 12 Ill. Reg. 14822	May, 1989
5/8/89	Pollution Control Board, Hearings Pursuant to Specific Rules (35 Ill. Adm. Code 106)	9/23/88 12 Ill. Reg. 14865	May, 1989

## ILLINOIS REGISTER

## EXECUTIVE ORDER

89-2

EXECUTIVE ORDER CREATING A  
SCIENCE AND TECHNOLOGY ADVISOR TO THE GOVERNOR

Illinois' future is dependent on our ability to capitalize on our innate abilities in science and technology. State action on a broad range of issues from basic education to investment in scientific equipment and facilities, will affect the well-being of generations to come.

To realize our potential for shaping the future of Illinois in research and technology, I am appointing a Science and Technology Advisor who will advise the Governor on State policies impacting science and technology, productivity, and competitiveness.

Illinois does not receive its fair share of federal spending, particularly in the research and development arena. Our goal must be to achieve a dramatic increase in research and development investment. Our congressional delegation is pledged to work together to improve our record. State government must do its part.

Therefore, pursuant to the authority vested in me as Governor by Article V, Section 11 of the Illinois Constitution of 1970, I, James R. Thompson, hereby order the following:

I. There is created a Science and Technology Advisor to the Governor which shall be located within the Executive Office of the Governor.

II. The Advisor shall be responsible for advising the Governor on science and technology, productivity, competitiveness, and economic development.

III. The duties of the Advisor shall include:

a. Work in conjunction with the Illinois Coalition to advise the Governor on State policies impacting science and technology, productivity, and competitiveness;



## PROCLAMATION

89-097

Belarusian/Bylorussian Day

- b. Advise the Governor on projects to be funded by the Challenge Fund, created to leverage private and federal research development dollars for Illinois research, at Illinois universities and companies, by Illinois workers;
- c. Work with the State education agencies and the Illinois Math and Science Academy to help the State improve the math and science literacy of elementary and secondary students across Illinois and expand technical training at community colleges to meet the needs of labor and business;
- d. Assist in establishing guidelines and priorities for the State's high technology capital needs; and
- e. Perform such other functions as are necessary to fulfill his duties under law and this Executive Order.

## IV. Effective Date

This Executive Order Number Two (1989) shall be effective immediately and shall remain in effect until rescinded or superseded by subsequent gubernatorial or legislative action.

Issued March 23, 1989. Filed March 23, 1989.

WHEREAS, this year marks the 71th anniversary of the day when Belarussian/Bylorussian independence from Moscow was proclaimed. On March 25, 1918, restoration of Belarussian/Bylorussian statehood began; however, its free existence was short-lived; and

WHEREAS, the Belarussian/Bylorussian people are still fighting for liberation from Soviet Russia's domination; and

WHEREAS, several Belarussian/Bylorussian organizations here in Illinois will observe Belarussian/Bylorussian Independence Day with special activities in Chicago; and

WHEREAS, the Belarussian/Bylorussian people stand as a reminder that not all the world's people share the freedoms we take for granted here in the United States;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim March 25, 1989, as BELARUSIAN/BYELORUSSIAN DAY in Illinois.

Issued March 14, 1989. Filed March 27, 1989.



PROCLAMATION  
89-098

## Breastfeeding Promotion Month

## "Breastfeeding: Baby's Best Start"

-1989 theme

WHEREAS, during the month of May, the Illinois Department of Public Health, in coordination with Regional Breastfeeding Task Forces, public and private organizations, physicians, and hospitals throughout Illinois, is promoting the importance of breastfeeding; and

WHEREAS, this observance reminds Illinoisans that breastfeeding is nutritionally the best choice for infant feeding; and

WHEREAS, one of the Surgeon General's Health Promotion/Disease Prevention Objectives for the nation for 1990 is to increase the proportion of women who breastfeed their babies; and

WHEREAS, the percentage of women in Illinois choosing to breastfeed their infants is below the national average and below the percentage identified in the Surgeon General's Breastfeeding Objective for the nation; and

WHEREAS, increased evidence links education, determination, and support to the success of breastfeeding. All parents should be afforded the opportunity of making informed decisions regarding the feeding of their infants;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 1989 as BREASTFEEDING PROMOTION MONTH in Illinois, and urge our communities to offer breastfeeding education and support to help all Illinoisans become better informed.

Issued March 17, 1989. Filed March 27, 1989.

PROCLAMATION  
89-099

## High Blood Pressure Month

WHEREAS, nearly 3.5 million Illinoisans are among the 58 million Americans who have an increased risk of illness and death due to high blood pressure; and

WHEREAS, high blood pressure is a contributing factor in millions of heart attacks, strokes, and kidney failures each year; and

WHEREAS, Americans have worked together 15 years in local, state, and national organizations to increase awareness and control of this serious public health problem; and

WHEREAS, these efforts and the work of the National High Blood Pressure Education Program have helped to lower the stroke mortality rate by 50 percent and the coronary heart disease rate by 35 percent over the past 15 years; and

WHEREAS, the Illinois Department of Public Health has awarded Preventive Heart Block Grant Funds to 45 local health departments for high blood pressure control programs; and

WHEREAS, an estimated 1 million Illinoisans with high blood pressure are not aware of their condition. Another 600,000 Illinoisans, who are aware of their high blood pressure, are not controlling their conditions;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 1989 as HIGH BLOOD PRESSURE MONTH in Illinois, and urge each Illinoisan to measure and control blood pressure.

Issued March 17, 1989. Filed March 27, 1989.



## PROCLAMATION

89-100

Jesse White Day

WHEREAS, as an athlete, teacher, communicator, and former State Representative, Jesse C. White has been a role model for children in Chicago's public housing projects for 25 years; and

WHEREAS, born, raised and presently residing in Illinois, he played baseball in the Chicago Cubs farm system for seven years and holds Alabama State College's 4-year basketball scoring record; and

WHEREAS, Jesse White considers his social accomplishments far superior to his athletic ones, especially his organization of the Jesse White Tumblers in 1959; and

WHEREAS, this group, originally made up of children from the Cabrini-Green housing projects of Chicago and now consisting of youths from the entire Chicago area, is nationally acclaimed, performing all over the nation and even in commercials and a major motion picture; and

WHEREAS, Jesse White's dedication to these kids as not only a coach but as a teacher and friend gives them a feeling of importance and the belief that they will someday provide a better life for themselves and their families;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 2, 1989, as JESSE WHITE DAY in Illinois, acknowledging the efforts of this fine teacher, trainer, and humanitarian.

Issued March 17, 1989. Filed March 27, 1989.

## PROCLAMATION

89-101

Library Week

WHEREAS, libraries promote education, entertainment, and adventure through reading by providing each and every citizen with access to books and materials on varied subjects, styles, and interests; and

WHEREAS, through reading, we can all enrich and improve our lives, opening up new opportunities for growth in our careers, our personal lives, and our interactions with others; and

WHEREAS, libraries in Illinois have a unique place in promoting this state's literary heritage and the reading and life skills of its residents, leading the way with important new programs on literacy; and

WHEREAS, libraries will continue to grow in importance as more and more of us rely on these institutions for the information we need to make day-to-day decisions regarding work, leisure and family needs; and

WHEREAS, libraries are adapting to the changing world and helping us to understand it by using up-to-date computer technologies to reach vast stores of information not easily accessible before;

THEREFORE, I, James R. Governor of the State of Illinois, proclaim April 9-15, 1989, as LIBRARY WEEK in Illinois. I urge all citizens from throughout the state to take advantage of the services offered by libraries and to discover anew that bargains abound at the library.

Issued March 17, 1989. Filed March 27, 1989.



ILLINOIS REGISTER

4967  
89

PROCLAMATION

89-102

Professional Secretaries Week/Professional Secretaries Day

ILLINOIS REGISTER

4968  
89

PROCLAMATION

89-103

School Library Day

WHEREAS, since 1952, Professional Secretaries International has sponsored an observance recognizing the vital contributions of secretaries to our society; and

WHEREAS, the secretary is the key interface among all groups in an organization and provides the coordination of efforts that is so essential to success; and

WHEREAS, the profession of secretary demands the execution of complex tasks in a competent and cooperative manner. Today's professional secretary is also required to demonstrate skill as a decision maker;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 23-29, 1989, as PROFESSIONAL SECRETARIES WEEK and April 26, 1989, as PROFESSIONAL SECRETARIES DAY in Illinois, in recognition of their efforts in the operation of every aspect of our business and government.

Issued March 17, 1989. Filed March 27, 1989.

WHEREAS, the American Library Association recognizes the value of all types of libraries through its annual celebration of Library Week; and

WHEREAS, the Illinois Association for Media in Education has designated April 12 as School Library Day in Illinois in conjunction with the national observance, April 9-15; and

WHEREAS, school library media centers with their collection of books, audio-visual materials, and various telecommunications devices provide students with materials for classroom work, independent research, and enrichment for personal growth; and

WHEREAS, school library media specialists continuously strive to nurture students who will be lifelong learners and effective users of information, provide maximum patron services, and encourage use of all available resources; and

WHEREAS, school library media centers are integral components of the total library community through full participation in Illinois Multitype Library Systems;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 12, 1989, as SCHOOL LIBRARY DAY in Illinois in recognition of the importance of school library media centers to the Illinois library community.

Issued March 17, 1989. Filed March 27, 1989.



## PROCLAMATION

89-104

Veterinary Medical Education Week

WHEREAS, although little known and seldom publicized, activities of the veterinary medical profession benefit every person in the state, directly or indirectly; and

WHEREAS, concerned with education, research and disease control in both man and animals, it serves citizens not only in private practice, but also through many health-related problems; and

WHEREAS, Veterinary Medical Education Week, annually sponsored by the University of Illinois student chapter of the American Veterinary Medical Association, begins April 1 and culminates with an "Open House" at the College of Veterinary Medicine on the Urbana-Champaign campus;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 1-8, 1989, as VETERINARY MEDICAL EDUCATION WEEK in Illinois. I urge all Illinoisans to learn more about veterinary animal disease control and eradication programs and other services that contribute to our health and welfare.

Issued March 17, 1989. Filed March 27, 1989.

## PROCLAMATION

89-105

American Vintage Wristwatch Day

WHEREAS, the State of Illinois was critical to the development of the American wristwatch industry as the Elgin Watch Company of Elgin, Illinois, and the Illinois Watch Company of Springfield were among the greatest watch companies in America; and

WHEREAS, Elgin Watch Company was the symbol of its hometown for nearly 100 years, producing some of the most exquisite Art Deco enamel watches of the twenties and thirties; and

WHEREAS, Illinois Watch Company added a special segment to wristwatch history in its short decorative life, producing a series of highly ornamental Art Deco watches with their eccentric placement of the seconds chapter over nine o'clock; and

WHEREAS, Stewart Unger and Edward Faber, worldwide experts on the subject of the vintage American wristwatch, have just co-authored the definitive work American Wristwatches: Five Decades of Style and Design; and

WHEREAS, on March 23 at Rizzoli Winter Garden in New York City, Messieurs Faber and Unger will present a Celebration of American Wristwatches honoring the triumphant achievements of American wristwatch manufacturers and their golden age of design;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim March 23, 1989, as AMERICAN VINTAGE WRISTWATCH DAY in Illinois, in recognition of this special celebration and in honor of the Elgin and Illinois watch companies which were most instrumental in positioning America as world leaders in wristwatch design in the early twentieth century.

Issued March 20, 1989. Filed March 27, 1989.



ILLINOIS REGISTER

4971

89

PROCLAMATION  
89-106

Gamma Phi Circus Week

WHEREAS, Illinois State University's Gamma Phi Circus was initiated November 11, 1929, under the supervision of the Health, Physical Education, Recreation, and Dance Department as an organization that would promote physical fitness in schools throughout Central Illinois, especially McLean County; and

WHEREAS, the organization was initially created through the strong support of circus families living throughout the Normal/Bloomington area, where a strong circus heritage exists; and

WHEREAS, Gamma Phi Circus has endured thanks to the hard work and dedication of full-time students, staff, and faculty of Illinois State University; and

WHEREAS, Gamma Phi is a non-profit organization and its members volunteer valuable time to entertain the youngest of school children to the oldest of adults; and

WHEREAS, effort, hard work and risk of injury are all in a days work when volunteers give their time to Gamma Phi Circus; and

WHEREAS, Gamma Phi Circus will present its 52nd Annual Circus Weekend April 15th and 16th;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 14-15, 1989, as GAMMA PHI CIRCUS WEEK in Illinois.

Issued March 20, 1989. Filed March 27, 1989.

ILLINOIS REGISTER

4972

89

PROCLAMATION  
89-107

Illinois Employee Fitness Day

WHEREAS, the Illinois Governor's Council on Health and Physical Fitness is sponsoring Illinois Employee Fitness Day in conjunction with National Employee Health and Fitness Day on Friday, May 19, 1989; and

WHEREAS, National Employee Health and Fitness Day is being presented by the National Association of Governors' Councils on Physical Fitness and Sports and is being corporately sponsored by the NutraSweet Company and Converse; and

WHEREAS, the purpose of this event is to encourage Illinois employers to offer exercise opportunities to their employees for a healthier, more productive work force; and

WHEREAS, recent medical studies prove that regular exercise and good nutrition are basic requisites for good health; and

WHEREAS, more than 50,000 public and private sector employees are expected to participate in Illinois;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 19, 1989, as ILLINOIS EMPLOYEE FITNESS DAY, and urge all employers and employees to participate in this event to dramatize the lifelong benefits of healthy exercise.

Issued March 20, 1989. Filed March 27, 1989.



PROCLAMATION  
89-108

Parks And Recreation Month

WHEREAS, Illinois has had a long tradition as a state dedicated to the promotion of recreational opportunities for all its citizens; and

WHEREAS, Illinois is recognized as a leader in the nation in the local delivery of park and recreation services; and

WHEREAS, the active use of leisure time develops personal skills, adds balance to life, engenders individual growth through physical fitness, and provides group interaction through participation in organized team sports; and

WHEREAS, "Take Time for Fun," is the byword of the recreation industry in Illinois, signifying a philosophy that the active rather than passive use of free time creates opportunities for achievement and self-fulfillment; and

WHEREAS, strong local park and recreation services and quality park area promote Illinois as a state in which to visit and vacation;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim July 1989, as PARKS AND RECREATION MONTH in Illinois. I urge all residents and visitors to take advantage of our state's beautiful parks and participate in the special events being conducted by local park agencies throughout Illinois.

Issued March 20, 1989. Filed March 27, 1989.

PROCLAMATION  
89-109

Building Safety Week

WHEREAS, the well-being of every citizen of Illinois depends on the safety of the buildings in which they live, work and play; and

WHEREAS, code compliance in these buildings is the joint responsibility of building owners, building operators, architects, engineers, contractors and building officials; and

WHEREAS, the general public should recognize the importance of building-safety codes, which protect the public's health and safety by regulating the structural, electrical, plumbing, mechanical, fire-safety, energy efficiency, accessibility, and other aspects of both new and existing buildings; and

WHEREAS, units of state and local governments throughout the United States are joining together in expressing appreciation to the conscientious members of the building industry who ensure the safety of our built environment;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 9-15, 1989, as BUILDING SAFETY WEEK in Illinois. I urge our citizens to take heed of the theme, "Building Safety Is NO Accident", and to recognize the importance of modern building-safety codes.

Issued March 21, 1989. Filed March 27, 1989.



ILLINOIS REGISTER

4975

89

PROCLAMATION  
89-110

Groundwater Protection Month

WHEREAS, almost half of Illinois citizens, three-fourths of Illinois community water supply systems, and a significant number of Illinois industries rely on groundwater; and

WHEREAS, thousands of abandoned wells and borings represent a hazard, particularly to Illinois children, and a water-quality threat by potentially routing contaminants directly to groundwater; and

WHEREAS, state and local governments need to encourage and enforce requirements for sealing abandoned wells in accordance with the Illinois Water Well Construction Code (77 Ill. Admin. Code I, 920.120r); and

WHEREAS, landowners threaten their own or their neighbors' water supplies and maintain hazards by failing to properly seal abandoned wells on their property; and

WHEREAS, Illinois citizens, businesses, industries, and local and state governments all have roles in protecting the public safety and groundwater resources;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 1989 as GROUNDWATER PROTECTION MONTH in Illinois. I encourage all Illinois citizens, businesses, industries and municipalities to consider and take appropriate actions to protect and manage Illinois groundwater resources. I encourage landowners to determine if abandoned wells are located on their property and to fulfill their responsibilities for properly sealing them.

Issued March 21, 1989. Filed March 27, 1989.

ILLINOIS REGISTER

4976

89

PROCLAMATION  
89-111

Illinois Cooperative Extension Day

WHEREAS, the Act of May 8, 1914, as amended, commonly known as the Smith-Lever Act of 1914, has fostered through the United States Department of Agriculture (USDA) the development of the Illinois Cooperative Extension service; and

WHEREAS, in conjunction with the University of Illinois College of Agriculture, it disseminates and encourages the application of research-generated knowledge and leadership techniques to individuals, families, and communities; and

WHEREAS, the extension service has done much to help rural and urban adults and youth improve their quality of life and leadership ability; and

WHEREAS, the relationship existing between the federal, state, and county extension service has provided for citizen input to the research and educational programs of the USDA and the University of Illinois for three quarters of a century;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 8, 1989, as ILLINOIS COOPERATIVE EXTENSION DAY in Illinois, in recognition of the 75th anniversary of the enactment of the Smith-Lever Act of 1914.

Issued March 21, 1989. Filed March 27, 1989.



PROCLAMATION  
89-112

Illinois Industry Appreciation Day

WHEREAS, the Illinois Manufacturing Association (IMA) is the oldest and largest manufacturing trade association in the United States, having a current membership of more than 8,000 executives representing 5,000 companies and plants in Illinois; and

WHEREAS, IMA members employ 74.5 percent of the state's manufacturing work force or more than 771,000 Illinois citizens; and

WHEREAS, economists agree that for every 100 new manufacturing jobs, at least 68 additional jobs are created in a community. On analysis, this means 21 wholesale and retail jobs; 3 construction jobs; 17 professional and related services jobs; 11 transportation, communication and other public utilities jobs; 5 business and personal and services jobs; 6 finance, insurance and real estate jobs; and 5 jobs in other industries; and

WHEREAS, on April 11, the IMA and its affiliate, the Illinois Industrial Council, will promote jobs for Illinois during its Industry Appreciation Day; and

WHEREAS, this day-long, information packed conference will afford IMA members and guests the opportunity to impress upon legislators the importance of a pro-jobs business climate in the state;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 11, 1989, as ILLINOIS INDUSTRY APPRECIATION DAY in recognition of the contributions of the manufacturing industry to our state.

Issued March 21, 1989. Filed March 27, 1989.

PROCLAMATION  
89-113

Post Anesthesia Nurse Awareness Week

WHEREAS, members of the Illinois Society of Post Anesthesia Nurses include licensed nurses who are engaged in or especially interested in the immediate pre- and post-anesthesia period; and

WHEREAS, post anesthesia nurses provide education with respect to pre- and post-anesthesia patient care through conferences, courses, symposia, and the publishing of articles and bulletins; and

WHEREAS, post anesthesia nurses study, discuss, and exchange professional knowledge, expertise, and ideas on pre- and post-anesthesia patient care and facilitate cooperation between post anesthesia nurses, physicians, and other medical personnel concerned with care of the patient in the immediate pre- and post-anesthesia period; and

WHEREAS, post anesthesia nurses encourage specialization and research in pre- and post-anesthesia nursing; promote public awareness and understanding of the care of the patients; and cooperate with universities, government agencies and any other organization in matters affecting the purpose of the society;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim March 27-April 2, 1989, as POST ANESTHESIA NURSE AWARENESS WEEK in Illinois and urge all citizens to join in this worthwhile observance.

Issued March 21, 1989. Filed March 27, 1989.



PROCLAMATION  
89-114

Recycling Week

WHEREAS, the state has recognized a comprehensive approach to solid waste management that emphasizes recycling in the passage of the Illinois Solid Waste Management Act; and

WHEREAS, the preservation of natural resources is a primary objective of an informed Illinois public and its government; and

WHEREAS, the recycling industry in Illinois has made great strides by finding commercial uses for discarded materials, thereby helping to keep the state beautiful; and

WHEREAS, such recycling activity has fostered increased economic development in a time of hardship; and

WHEREAS, further encouragement of the recycling industry is in the state's best interest;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 22-29, 1989, as RECYCLING WEEK in Illinois, and I encourage all Illinoisans to promote and support the recycling of our precious natural resources.

Issued March 21, 1989. Filed March 27, 1989.

PROCLAMATION  
89-115

Public Health Professionals: Peers And Partners Week

WHEREAS, the Illinois Public Health Association was founded in 1940 and has grown to include more than 1,500 members throughout the state, making it the largest voluntary association in Illinois devoted exclusively to matters of public health; and

WHEREAS, the purpose of the Illinois Public Health Association is to protect and promote personal and environmental health while advancing the principles of public health through organized activities in the areas of education, health policy development, research, and funding; and

WHEREAS, the 49th Annual Meeting of the Illinois Public Health Association will take place in Chicago March 29 - 31 as part of IPHA's commitment to its members and the public to instruct, educate and inform them about current issues, scientific and medical findings, and activities through conferences, seminars, publications, and an active network of public health professionals; and

WHEREAS, the Illinois Public Health Association seeks to develop and promote professional cooperation among public and private health entities at the local, state, and national levels in order to best promote, protect, and preserve the health of all citizens of Illinois;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim March 29 -31, 1989, as PUBLIC HEALTH PROFESSIONALS: PEERS AND PARTNERS WEEK in Illinois, in recognition of the dedication and commitment of the members of the Illinois Public Health Association.

Issued March 22, 1989. Filed March 27, 1989.



## PROCLAMATION

89-116

Business Opportunity Days

WHEREAS, the 22nd Annual Chicago Business Opportunity Fair, with over 3,600 Chicago-based business, industry and government representatives expected to attend, will be held on April 25-26; and

WHEREAS, during this event, minority suppliers and purchasing personnel from major buying organizations will have the opportunity to meet and exchange information about mutual buying and selling needs; and

WHEREAS, the Chicago Business Opportunity Fair helps further the year-round efforts of the Chicago Regional Purchasing Council, Inc., an organization which sponsors the event and is devoted to stimulating minority purchasing; and

WHEREAS, William J. McDonough, vice chairman of the board of First Chicago Corporation, will serve as chairman of the fair's Sponsors Committee; and

WHEREAS, the Minority Business Subcouncil of the Chicago Regional Purchasing Council will hold its Eleventh Annual Awards Presentation and Reception on April 25, honoring representatives from the public and private sectors for their contributions to minority suppliers' growth and development;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 25-26, 1989, as BUSINESS OPPORTUNITY DAYS in Illinois.

Issued March 23, 1989. Filed March 27, 1989.

## PROCLAMATION

89-117

Drinking Water Week

WHEREAS, an abundant supply of safe, high-quality water is as essential to the economic growth and productivity of our state as it is to our health, comfort and standard of living; and

WHEREAS, the American Water Works Association, which represents more than 45,000 members, wishes to focus public attention on the services and goals of the water supply industry through Drinking Water Week; and

WHEREAS, through its dedication to advanced knowledge of design, operation and management of water utilities, the association strives to continue providing better water for everyone--when and where they need it;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim May 1-7, 1989, as DRINKING WATER WEEK in Illinois, and encourage our citizens to broaden their understanding of the goals and services of the water utilities in our state.

Issued March 23, 1989. Filed March 27, 1989.



## PROCLAMATION

89-118

Illinois Science Day

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WHEREAS, the fourth Annual Illinois Science Olympiad will be held April 8, 1989; and

WHEREAS, thousands of Illinois students and teachers have been captured by the enthusiasm and incredible learning experience that the Illinois Science Olympiad offers; and

WHEREAS, Olympiad provides an opportunity for earth science, biology, chemistry, physical science, math and computer teachers to work together toward a common goal of increasing student interest in science and improving the quality of science education in the state;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 8, 1989, as ILLINOIS SCIENCE DAY in recognition of our talented students and dedicated teachers who are committed to excellence in science education.

Issued March 23, 1989. Filed March 27, 1989.



**ACTION CODES**

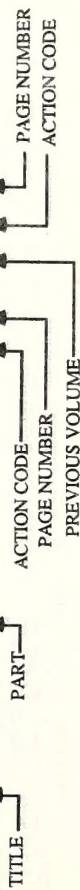
ICAR - Joint Committee on Administrative Rules

- A** - Adopted Rule  
**AR** - Adopted Repealer  
**C** - Notice of Corrections  
**CC** - Codification Changes  
**E** - Emergency Rule  
**ER** - Emergency Repealer  
**M** - Modification to meet ICAR objections  
**O** - ICAR Statement of Objections
- P** - Proposed Rule  
**PF** - Prohibited Filing Ordered by ICAR  
**PP** - Preliminary or Court ordered Rules  
**PR** - Proposed Repealer  
**R** - Refusal to meet ICAR objection  
**RC** - Statement of Recommendation  
**S** - Suspension ordered by ICAR  
**W** - Withdrawal to meet ICAR objections

**EXAMPLE:**

**AGRICULTURE, DEPARTMENT OF**

8 Ill. Adm. Code 285 III. Grain Insurance Act (P-18048/85; A-6818)



**ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.**

**AGING, DEPARTMENT ON**

- 89 Ill. Adm. Code 240 Community Care Program (P-685)  
 89 Ill. Adm. Code 230 Older Americans Act Programs (P-14777/88; A-2015) (P-12137/88; A-3054)

**AGRICULTURE, DEPARTMENT OF**

- 8 Ill. Adm. Code 255 Agricultural Facilities (P-2571)  
 8 Ill. Adm. Code 110 Animal Diagnostic Laboratory Act (P-19153/88; A-3617)  
 8 Ill. Adm. Code 25 Animal Welfare Act (P-19164/88; A-3628)  
 8 Ill. Adm. Code 75 Bovine Brucellosis (P-19172/88; A-3636)  
 8 Ill. Adm. Code 20 Definitions (P-19178/88; W-2166)  
 8 Ill. Adm. Code 85 Diseased Animals (P-19185/88; A-3642)  
 8 Ill. Adm. Code 700 Farmland Preservation Act (P-14786/88; A-285) (P-2598) (P-17139/88; A-3653)  
 68 Ill. Adm. Code 600 Grain Dealers (P-19795/88; A-3665)  
 8 Ill. Adm. Code 80 III. Bovine Tuberculosis Eradication Act (P-19196/88; A-3676)  
 8 Ill. Adm. Code 90 III. Dead Animal Disposal Act (P-19201/88; A-3681)  
 8 Ill. Adm. Code 115 III. Pseudorabies Control Act (P-19218/88; A-3685)  
 8 Ill. Adm. Code 230 III. Seed Law (P-3511) (E-4015)  
 68 Ill. Adm. Code 610 Livestock Dealer Licensing (P-19205/88; A-3690)  
 8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (PP-2160) (P-19211/88; A-3696)  
 8 Ill. Adm. Code 505 Public Grain Warehouse & Warehouse Receipts Act (P-19806/88; A-3703)  
 8 Ill. Adm. Code 105 Swine Disease Control & Eradication Act (P-20309/88; A-3715)

**BANKS AND TRUST COMPANIES, COMMISSIONER OF**

- 38 Ill. Adm. Code 303 Use of a State Bank's Corporate Name in Identification & Communication (P-2889)

**CAPITAL DEVELOPMENT BOARD**

- 44 Ill. Adm. Code 910 Procurement Practices (P-1917)  
 71 Ill. Adm. Code 40 Standards for Award of Grants Elementary & Secondary Schools Capital Assistance Program (P-1283)

**CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF**

- 89 Ill. Adm. Code 1300 Day Care (P-19223/88; A-4644)  
 80 Ill. Adm. Code 302 Merit & Fitness (P-15813/88; A-3722)  
 80 Ill. Adm. Code 310 Pay Plan (P-20584/88; RC-1254) (P-1296) (P-2892)  
 80 Ill. Adm. Code 2150 Service-Connected Days Benefit Administration (P-10285/88; A-2402)  
 80 Ill. Adm. Code 2650 Solicitation for Charitable Payroll Deductions (P-6871/88; O-1256; R-3411; A-3330)  
 80 Ill. Adm. Code 2110 State of Ill. Dependent Care Assistance Plan (P-1) (E-214)  
 44 Ill. Adm. Code 5040 State Vehicles & Garage (P-4071)

**CHILDREN AND FAMILY SERVICES, DEPARTMENT OF**

- 89 Ill. Adm. Code 431 Confidentiality of Personal Information of Persons Served by the Department (P-11922/88; O-22457/88; R-2532; A-2407)

- 89 Ill. Adm. Code 310 Delivery of Youth Services Funded by the Department of Children & Family Services (P-11935/88; O-3412; RC-3414)

- 89 Ill. Adm. Code 437 Department of Children & Family Services Employee Conflict of Interest (P-13752/88; A-3339)  
 89 Ill. Adm. Code 357 Purchase of Service (P-13807/88; A-3344)  
 89 Ill. Adm. Code 300 Reports of Child Abuse & Neglect (P-11953/88; O-22472/88; R-2535; A-2419)

**CIVIL SERVICE SYSTEM, STATE UNIVERSITIES**

- 80 Ill. Adm. Code 250 State Universities Civil Service System (P-1921)

**COLLEGES AND UNIVERSITIES, BOARD OF GOVERNORS OF STATE**

- 44 Ill. Adm. Code 530 Joint Rules of the Board of Regents, the Board of Governors of State Colleges & Universities, the Board of Trustees of the University of Ill., & the Board of Trustees of Southern Ill. University: Procurement & Bidding (P-2648)  
 2 Ill. Adm. Code 5025 Public Information, Rulemaking & Organization (AR-3742) (A-3747)

**COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF**

- 14 Ill. Adm. Code 630 Corridors of Opportunity Program (P-4987/88; A-4164)  
 56 Ill. Adm. Code 2625 Economic Dislocation & Worker Adjustment Assistance (P-3513) (E-4019)  
 47 Ill. Adm. Code 160 Emergency Shelter Grants Program (P-9271/88; A-2024)  
 14 Ill. Adm. Code 590 III. Large Business Development Program (P-15249/88; A-2028)  
 14 Ill. Adm. Code 570 III. Small Business Development Program (P-20714/87; A-58)  
 14 Ill. Adm. Code 620 Labor-Management Program (P-14797/88; A-1758)  
 56 Ill. Adm. Code 2600 Service Delivery System & State Responsibilities (P-3515) (E-4028) (P-4331)  
 47 Ill. Adm. Code 120 State Administration of the Federal Community Services Block Grant Program (P-8521/88; A-779) (P-1311) (P-4075)  
 47 Ill. Adm. Code 100 State Administration of the Federal Low-Income Home Energy Assistance Block Grant Program (P-1930) (P-4358)  
 56 Ill. Adm. Code 2610 Training Services for the Disadvantaged (P-4366)

**COMMERCE COMMISSION, ILLINOIS**

- 83 Ill. Adm. Code 325 Charitable Contributions (PR-18021/88; AR-4648)  
 83 Ill. Adm. Code 215 Designation of Agent (P-18026/88; A-4650)  
 83 Ill. Adm. Code 435 Electric Utility Forecasting (G.O.215) (PR-3)  
 83 Ill. Adm. Code 281 Energy Assistance (P-1647)  
 92 Ill. Adm. Code 1205 Fees & Taxes (P-1665)  
 92 Ill. Adm. Code 1206 Investigation & Suspension of Rates (P-1671)  
 83 Ill. Adm. Code 440 Least-Cost Planning for Electric Utilities (P-3162/88; A-296)  
 92 Ill. Adm. Code 1304 Motor Carrier of Property Fitness Standards (P-13381/89; A-4654)  
 92 Ill. Adm. Code 1235 Practice Before the Independent Review Board (P-17045/88; A-4658)



## ILLINOIS REGISTER

1989 CUMULATIVE INDEX

APRIL 7, 1989

VOL. 13, ISSUE #14

## COMMERCE COMMISSION, ILLINOIS (CONT'D)

- 92 Ill. Adm. Code 1225 Publication, Posting & Filing of Tariffs, Contracts, Schedules & Related Documents (P-1676)  
 92 Ill. Adm. Code 1710 Relocation Towing (P-10)  
 83 Ill. Adm. Code 595 Reports of Accidents or Incidents by Persons Engaged in the Transportation of Gas, or Who Own or Operate Gas Pipeline Facilities (P-16309/88; A-2036)  
 83 Ill. Adm. Code 505 Uniform System of Accounts for Gas Utilities (P-1686)

## COMMUNITY COLLEGE BOARD, ILLINOIS

- 23 Ill. Adm. Code 1501 Administration of the Ill. Public Community College Act (P-16313/88; A-1182) (P-3517) (P-4087) (P-4394)

## COMPTROLLER

- 74 Ill. Adm. Code 280 Public Radio & Television Station Grants (P-19259/88; A-4664)

## CONSERVATION, DEPARTMENT OF

- 17 Ill. Adm. Code 870 Aquaculture, Transportation, Stocking, Importation &/or Possession of Aquatic Life (P-3213)  
 17 Ill. Adm. Code 530 Cock Pheasant, Hungarian Partridge, Bobwhite Quail, Rabbit & Crow Hunting (P-4399)  
 17 Ill. Adm. Code 2030 Designation of Restricted Waters in the State of Ill. (P-13820/88; A-20472/88; CC-967) (E-2878) (P-4417)  
 17 Ill. Adm. Code 730 Dove Hunting (P-2609)  
 17 Ill. Adm. Code 590 Duck, Goose & Coot Hunting (P-3221) (E-22244/88; O-3462)  
 17 Ill. Adm. Code 1590 Falconry & the Captive Propagation of Raptors (P-2622)  
 17 Ill. Adm. Code 930 Field Trials on Non-Department Owned or Managed Lands (P-3262)  
 17 Ill. Adm. Code 870 Fish Stocking, Importation, &/or Possession of Aquatic Life (P-3264)  
 17 Ill. Adm. Code 1560 Forest Fire Protection Districts Act (P-2626)  
 17 Ill. Adm. Code 510 General Hunting & Trapping on Department-Owned or -Managed Sites (P-3268)  
 17 Ill. Adm. Code 1010 Ill. List of Endangered & Threatened Fauna (P-20325/88; A-4179)  
 17 Ill. Adm. Code 1050 Ill. List of Endangered & Threatened Flora (P-20335/88; A-3755)  
 17 Ill. Adm. Code 570 Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver & Woodchuck (Groundhog) Trapping (P-2632) (P-5087/88; A-12034/88; O-3468)

- 17 Ill. Adm. Code 220 North Point Marina (P-731)

- 17 Ill. Adm. Code 230 North Point Marina Vendors (P-4430)

- 17 Ill. Adm. Code 110 Public Use of State Parks & Other Properties of the Department of Conservation (P-20363/88; A-3785)

- 17 Ill. Adm. Code 550 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote & Woodchuck (Groundhog) Hunting (P-3273)

- 17 Ill. Adm. Code 810 Sport Fishing Regs. for the Waters of Ill. (P-1690)

- 17 Ill. Adm. Code 690 Squirrel Hunting (P-2641)

- 17 Ill. Adm. Code 720 Taking of Wild Turkeys - Fall Archery Season, The (P-4435)

- 17 Ill. Adm. Code 650 White-Tailed Deer Hunting by Use of Firearms (P-4442)

- 17 Ill. Adm. Code 740 Woodcock, Snipe, Rail & Teal Hunting (P-4458)

## CORRECTIONS, DEPARTMENT OF

- 2 Ill. Adm. Code 850 Public Information, Rulemaking & Organization (A-1510)

- 20 Ill. Adm. Code 107 Records of Committed Persons (P-979)

- 20 Ill. Adm. Code 502 Safety, Maintenance & Sanitation (P-3528)

## CRIMINAL JUSTICE INFORMATION AUTHORITY, ILLINOIS

- 20 Ill. Adm. Code 1520 Operating Procedures for the Administration of Federal Funds (P-1317) (E-1605)

## EDUCATION, STATE BOARD OF

- 23 Ill. Adm. Code 500 Educational Service Centers (P-1730)  
 23 Ill. Adm. Code 227 Gifted Education (P-4097)  
 23 Ill. Adm. Code 275 Pupil Transportation (P-12745/88; A-1532)

## ILLINOIS REGISTER

1989 CUMULATIVE INDEX

APRIL 7, 1989

VOL. 13, ISSUE #14

## EDUCATION, STATE BOARD OF (CONT'D)

- 23 Ill. Adm. Code 120 Pupil Transportation Reimbursement (P-19266/88; O-3416)  
 23 Ill. Adm. Code 230 Summer School for Gifted & Remedial Education (P-12747/88; A-1535)

## EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS

- 23 Ill. Adm. Code 2310 Functions & Planning Program (P-1319)

## EMERGENCY SERVICES AND DISASTER AGENCY

- 29 Ill. Adm. Code 430 Emergency & Written Notification of an Incident or Accident Involving a Reportable Hazardous Substance (P-17575/88; A-2040)  
 29 Ill. Adm. Code 430 Telephone Notification of Hazardous Incidents (PR-17585/88; AR-2049)

## EMPLOYMENT SECURITY, DEPARTMENT OF

- 56 Ill. Adm. Code 2905 Alien Status (P-2229)  
 56 Ill. Adm. Code 2770 Determination of Unemployment Contributions (P-743)  
 56 Ill. Adm. Code 2920 Disqualifying Income & Reduced Benefits (P-17592/88; A-1773)  
 56 Ill. Adm. Code 2732 Employment (P-1945)  
 56 Ill. Adm. Code 2712 General Applications (P-15257/88; O-22482/88; R-965; A-795)  
 56 Ill. Adm. Code 2960 General Provisions (P-17)  
 56 Ill. Adm. Code 2765 Payment of Unemployment Contributions, Interest & Penalties (P-752)

## ENVIRONMENTAL PROTECTION AGENCY

- 35 Ill. Adm. Code 378 Effluent Disinfection Exemptions (P-12753/88; A-1190)  
 35 Ill. Adm. Code 661 General Conditions of Grants for the Financing & Construction of Public Water Supply Facilities (P-1738)  
 35 Ill. Adm. Code 251 Procedures for Collection of Air Pollution Site Fees (E-955)

## FARM DEVELOPMENT AUTHORITY, ILLINOIS

- 8 Ill. Adm. Code 1400 Ill. Farm Development Authority (P-5545/88; A-2440)

## FINANCIAL INSTITUTIONS, DEPARTMENT OF

- 38 Ill. Adm. Code 190 Ill. Credit Union Act (P-14097/88; O-22489/88; R-966; A-3793) (P-4107)

## FIRE MARSHAL, OFFICE OF THE STATE

- 41 Ill. Adm. Code 100 Fire Prevention & Safety (E-582) (P-1323)  
 41 Ill. Adm. Code 180 Storage, Transportation, Sale & Use of Gasoline & Volatile Oils (P-1754) (E-1875)  
 41 Ill. Adm. Code 170 Storage, Transportation, Sale & Use of Petroleum & Other Regulated Substances (P-1756) (E-1886)

## HEALTH CARE COST CONTAINMENT COUNCIL, ILLINOIS

- 77 Ill. Adm. Code 2510 Data Collection (P-13694/88; A-334)

## ILLINOIS, BOARD OF TRUSTEES OF THE UNIVERSITY OF

- 44 Ill. Adm. Code 535 Joint Rules of the Board of Regents, the Board of Governors of State Colleges & Universities, the Board of Trustees of the University of Ill., & the Board of Trustees of Southern Ill. University: Procurement & Bidding (P-2766)

## INSURANCE, DEPARTMENT OF

- 50 Ill. Adm. Code 301 Accumulation of Guaranty Fund or Guaranty Capital-Reporting & Accounting of Such Indebtedness (P-2901)  
 50 Ill. Adm. Code 401 Accumulation of Guaranty Fund or Guaranty Capital-Reporting & Accounting of Such Indebtedness (P-2905)  
 50 Ill. Adm. Code 6302 Definition of Salary (P-15269/88; A-3801)  
 50 Ill. Adm. Code 2502 Fees for Various Certificates Under Section 408 (PR-2234)  
 50 Ill. Adm. Code 601 Foreign & Alien Insurer Annual Audited Financial Reports (P-11985/88; A-2051)  
 50 Ill. Adm. Code 919 Improper Claims Practice (P-13535/88; C-17456/88; A-1204)



## INSURANCE, DEPARTMENT OF (CONT'D)

- 50 Ill. Adm. Code 2008 Minimum Standards for Individual & Group Medicare Supplement Insurance (P-251) (E-586; O-3471)
- 50 Ill. Adm. Code 6301 Pension & Examination Procedure (P-14502/88; A-1780)
- 50 Ill. Adm. Code 754 Rules & Rate Filings (P-2057/88; A-1542)
- 50 Ill. Adm. Code 201 Subordinated Indebtedness (P-2909)
- 50 Ill. Adm. Code 2801 Surplus Line Business Requirements (P-3531)
- 50 Ill. Adm. Code 2011 Transitional Requirements for the Conversion of Medicare Supplement Insurance Benefits & Premiums to Conform to Medicare Program Revisions (P-13558/88; A-3804)

## INVESTMENT, ILLINOIS STATE BOARD OF

- 80 Ill. Adm. Code 2700 State (of Ill.) Employees' Deferred Compensation Plan (P-253) (E-629)

## LABOR RELATIONS BOARD, ILLINOIS EDUCATIONAL

- 80 Ill. Adm. Code 1125 Fair Share Fee Objections (P-16375/88; O-22478/88; R-1905; A-1784)
- 80 Ill. Adm. Code 1100 General Procedures (P-1327)
- 80 Ill. Adm. Code 1105 Hearing Procedures (P-1335)
- 80 Ill. Adm. Code 1110 Representation Procedures (P-1355)
- 80 Ill. Adm. Code 1120 Unfair Labor Practice Proceedings (P-1379)

## LABOR RELATIONS BOARD, ILLINOIS STATE/LABOR RELATIONS BOARD, ILLINOIS LOCAL

- 2 Ill. Adm. Code 2500 Public Information, Rulemaking & Organization (A-22210/88; CC-2883)

## LOTTERY, DEPARTMENT OF

- 11 Ill. Adm. Code 1770 Lottery (General) (P-10298/88; O-3419)

## MENTAL HEALTH &amp; DEVELOPMENTAL DISABILITIES, DEPARTMENT OF

- 59 Ill. Adm. Code 106 Services Charges (P-18087/88; A-3821)

## MILITARY AFFAIRS, DEPARTMENT OF

- 23 Ill. Adm. Code 3300 Loan of Military Artifacts (P-14809/88; O-3440; R-4957; A-4672)
- 71 Ill. Adm. Code 1510 Rental of National Guard Armories (P-14813/88; O-3442)

## MINES AND MINERALS, DEPARTMENT OF

- 62 Ill. Adm. Code 220 Surface Installation Health & Safety (P-23) (P-756)

## NUCLEAR SAFETY, DEPARTMENT OF

- 32 Ill. Adm. Code 401 Accrediting Persons in the Practice of Medical Radiation Technology (P-982)
- 32 Ill. Adm. Code 410 Radiation Inspectors & Inspections (P-13841/88; A-342)
- 32 Ill. Adm. Code 360 Use of X-Rays in the Healing Arts Including Medical, Dental, Podiatry, & Veterinary Medicine (P-13858/88; A-803)

## POLLUTION CONTROL BOARD

- 35 Ill. Adm. Code 243 Air Quality Standards (P-19290/88; W-2536)
- 35 Ill. Adm. Code 211 Definitions & General Provisions (P-19296/88; W-2537)
- 35 Ill. Adm. Code 304 Effluent Standards (P-11669/88; A-851) (P-11397/88; A-2060)
- 35 Ill. Adm. Code 604 Finished Water & Raw Water Quality & Quantity (P-255)
- 35 Ill. Adm. Code 720 Hazardous Waste Management System: General (P-15327/88; A-362)
- 35 Ill. Adm. Code 721 Identification & Listing of Hazardous Waste (P-15347/88; A-382)
- 35 Ill. Adm. Code 725 Interim Status Standards for Owners & Operators of Hazardous Waste Treatment, Storage & Disposal Facilities (P-15402/88; A-437)
- 35 Ill. Adm. Code 601 Introduction (P-262)
- 35 Ill. Adm. Code 201 Permits & General Provisions (P-5154/88; O-20221/88; R-1624; A-2066)
- 35 Ill. Adm. Code 310 Pretreatment Programs (P-16384/88; A-2463)
- 35 Ill. Adm. Code 703 RCRA Permit Program (P-15444/88; A-447)
- 35 Ill. Adm. Code 605 Sampling & Monitoring (P-269; C-2539)
- 35 Ill. Adm. Code 307 Sewer Discharge Criteria (P-16396/88; A-1794)

## POLLUTION CONTROL BOARD (CONT'D)

- 35 Ill. Adm. Code 722 Standards Applicable to Generators of Hazardous Waste (P-15449/88; A-452)
- 35 Ill. Adm. Code 724 Standards for Owners & Operators of Hazardous Waste Treatment, Storage & Disposal Facilities (P-15455/88; A-458)
- 35 Ill. Adm. Code 704 UTC Permit Program (P-17167/88; A-478)
- 35 Ill. Adm. Code 731 Underground Storage Tanks (P-2650)

## PRISONER REVIEW BOARD

- 20 Ill. Adm. Code 1610 Prisoner Review Board (P-4774/88; A-3063)

## PROFESSIONAL REGULATION, DEPARTMENT OF

- 68 Ill. Adm. Code 1400 Clinical Psychologist Licensing Act (E-2519)
- 68 Ill. Adm. Code 1220 Dental Practice Act (P-5867/88; O-3444; RC-3447; R-4306; A-4191)
- 68 Ill. Adm. Code 1250 Funeral Directors & Embalmers Act (P-3535)
- 68 Ill. Adm. Code 1465 III. Speech-Language Pathology & Audiology Practice Act, The (P-1388) (E-1616)
- 68 Ill. Adm. Code 1285 Medical Practice Act of 1987 (P-274) (P-8571/88; A-483) (E-651; O-3475)
- 68 Ill. Adm. Code 1280 Medical Practice Act of 1987 (PR-8536/88; AR-513)
- 68 Ill. Adm. Code 1360 Podiatry Act, The (P-14963/88; O-3450; RC-3452)
- 68 Ill. Adm. Code 1360 Podiatric Medical Practice Act of 1987 (P-14963/88; O-3450; RC-3452; R-4308; A-3234)
- 68 Ill. Adm. Code 1400 Psychologist Registration Act (P-2913)
- 68 Ill. Adm. Code 1500 Veterinary Medicine & Surgery Practice Act (P-18100/88; A-3826)

## PUBLIC AID, DEPARTMENT OF

- 89 Ill. Adm. Code 130 Administration of Social Service Programs (P-20649/88; A-3831) (P-4469)
- 89 Ill. Adm. Code 112 Aid to Families with Dependent Children (P-15905/88; A-70) (P-1948) (P-2236) (P-4116)
- 89 Ill. Adm. Code 113 Aid to the Aged, Blind or Disabled (P-15898/88; A-63) (E-3402) (P-4481)
- 89 Ill. Adm. Code 110 Application Process (P-2931) (P-20670/88; A-3836)
- 89 Ill. Adm. Code 111 Assistance Standards (P-15920/88; A-85) (P-20674/88; A-3840)
- 89 Ill. Adm. Code 160 Child Support Enforcement (P-1396) (P-20677/88; A-4268) (P-21039/88; A-4268)
- 89 Ill. Adm. Code 165 Collections & Recoveries (P-20679/88; A-3843)
- 89 Ill. Adm. Code 116 Crisis Assistance (P-20683/88; A-3847)
- 89 Ill. Adm. Code 170 Demonstration Programs (P-4490)
- 89 Ill. Adm. Code 141 Drug Manual (P-15483/88; A-516) (P-20370/88; A-3850)
- 89 Ill. Adm. Code 121 Food Stamps (P-3541) (P-20686/88; A-3890)
- 89 Ill. Adm. Code 101 General Administrative Provisions (P-20694/88; A-3897)
- 89 Ill. Adm. Code 114 General Assistance (P-14996/88; A-89) (P-15924/88; A-89) (P-17621/88; A-1546) (P-1959) (P-20697/88; A-3900)

- 89 Ill. Adm. Code 149 III. Competitive Access & Reimbursement Equity (ICARE) Program (P-13917/88; A-554) (P-3553)
- 89 Ill. Adm. Code 120 Medical Assistance Programs (P-15938/88; A-116) (P-17633/88; A-2081) (P-3281) (P-20705/88; A-3908)
- 89 Ill. Adm. Code 140 Medical Payment (P-11995/88; A-125; CC-2543) (P-16421/88; O-1259; M-3195; A-3069) (P-17172/88; O-1263; R-2538; A-2475) (P-1420) (P-2937) (P-3295) (P-5955/88; A-3351) (P-12976/88; A-3917)

- 89 Ill. Adm. Code 115 Refugee/Entrant/Repatriate Program (P-2702) (P-20735/88; A-3932)
- 89 Ill. Adm. Code 147 Reimbursement for Nursing Costs for Geriatric Facilities (P-10627/88; O-20231/88; R-677; A-559) (P-3562)
- 89 Ill. Adm. Code 117 Related Program Provisions (P-20739/88; A-3936)
- 89 Ill. Adm. Code 102 Rights & Responsibilities (P-20743/88; A-3940)
- 89 Ill. Adm. Code 104 Rules of Practice in Administrative Hearings (P-2958) (P-20747/88; A-3944)
- 89 Ill. Adm. Code 118 Special Eligibility Groups (P-20753/88; A-3950)
- 89 Ill. Adm. Code 103 Support Responsibility of Relatives (P-17667/88; A-2496) (P-20757/88; A-3954)

## PUBLIC HEALTH, DEPARTMENT OF

- 77 Ill. Adm. Code 200 Alcoholism & Intoxication Treatment Programs (PR-17673/88; A-4681)
- 77 Ill. Adm. Code 855 Asbestos Abatement for Public & Private Schools in Ill. (P-6564/88; A-2768)
- 77 Ill. Adm. Code 450 Clinical Laboratories & Blood Banks (P-2249) (P-19327/88; A-4285)



## ILLINOIS REGISTER

1989 CUMULATIVE INDEX

APRIL 7, 1989

VOL. 13, ISSUE #14

## PUBLIC HEALTH, DEPARTMENT OF (CONT'D)

77 Ill. Adm. Code 535  
Emergency Medical Services (P-4126) (P-4500)  
77 Ill. Adm. Code 750  
Food Service Sanitation Code (P-14113/88; A-1819)  
77 Ill. Adm. Code 490  
III. Blood Bank Code (P-2974)  
77 Ill. Adm. Code 790  
III. Formulary for the Drug Product Selection Program, The (P-12991/88; A-856)  
(P-16425/88; A-856) (P-3015) (E-3108)

77 Ill. Adm. Code 890  
III. Plumbing Code (P-4543)  
77 Ill. Adm. Code 540  
III. Trauma Center Code (P-4616)  
77 Ill. Adm. Code 661  
Newborn Metabolic Screening & Treatment Code (P-3599)  
77 Ill. Adm. Code 380  
Residential Rehabilitation Facilities Code (P-987)  
77 Ill. Adm. Code 760  
Retail Food Store Sanitation Code (P-14115/88; A-1830)  
77 Ill. Adm. Code 725  
Salvage Warehouses & Stores for Foods, Alcoholic Liquors, Drugs, & Cosmetics  
(PR-7265/88; AR-2517)  
77 Ill. Adm. Code 725  
Salvage Warehouses & Stores for Foods, Alcoholic Liquors, Drugs, Medical Devices & Cosmetics (P-7272/88; A-2502)  
77 Ill. Adm. Code 300  
Skilled Nursing & Intermediate Care Facilities Code (P-21333/88; A-4684)  
77 Ill. Adm. Code 830  
Structural Pest Control Code (P-3325/88; A-2090)  
77 Ill. Adm. Code 542  
Trauma Nurse Specialist Course Code (P-4544/88; A-3086)

## RACING BOARD, ILLINOIS

11 Ill. Adm. Code 422  
Approval of Racing Officials (P-13922/88; A-1558)  
11 Ill. Adm. Code 208  
Charitable Funds (P-13926/88; O-20234/88; M-1250; A-1232)  
11 Ill. Adm. Code 437  
County Fair Regs. (P-1099)  
11 Ill. Adm. Code 502  
Licensing (P-17755/88; A-1562) (P-18105/88; A-4931)  
11 Ill. Adm. Code 1409  
Ownership, Partnership & Stable Name (P-17761/88; O-1266; R-1906; A-1841)  
11 Ill. Adm. Code 417  
Pick Six Rules (E-1899) (P-1979)  
11 Ill. Adm. Code 1308  
Racing, Farm, Corporate or Stable Name (P-17766/88; O-1268; R-2167; A-2156)  
11 Ill. Adm. Code 1410  
Trainers & Owners (P-4345; A-1846)

## RECORDS COMMISSION, STATE

44 Ill. Adm. Code 4400  
State Records Commission (P-44)

## REGENTS, BOARD OF

44 Ill. Adm. Code 525  
Joint Rules of the Board of Regents, the Board of Governors of State Colleges & Universities, the Board of Trustees of the University of Ill., & the Board of Trustees of Southern Ill. University: Procurement & Bidding (P-2709)  
44 Ill. Adm. Code 526  
Procurement from Minority & Female Owned Business Enterprises (P-2746)

## REHABILITATION SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 510  
Administrative Reviews & Hearings (PR-3020)  
89 Ill. Adm. Code 510  
Appeals & Hearings (P-3036)  
89 Ill. Adm. Code 562  
Client Financial Participation (P-4685/88; A-2866)  
89 Ill. Adm. Code 530  
Criteria for the Evaluation of Programs of Services in Rehabilitation Facilities (P-3565/88; A-141)  
89 Ill. Adm. Code 843  
Disability Case Development Process (P-15015/88; A-4298)  
89 Ill. Adm. Code 552  
Eligibility (P-52; W-4309) (P-277)  
89 Ill. Adm. Code 850  
Medical Improvement Review Standard for Continuing Disability (P-8910/88; A-22454/88; CC-3196)  
89 Ill. Adm. Code 587  
Medical, Psychological & Related Services (P-2192/88; A-1850)  
89 Ill. Adm. Code 714  
Non-Homemaker Service Provider Requirements (P-4152)  
89 Ill. Adm. Code 607  
Other Services (P-56) (E-225; O-3478)  
89 Ill. Adm. Code 700  
Service Plan Development (P-10409/88; A-3101)  
89 Ill. Adm. Code 845  
Sequential Evaluation Process for the Determination of Disability (P-4641)  
89 Ill. Adm. Code 567  
Similar Benefits (P-281)  
89 Ill. Adm. Code 597  
Tools, Equipment, Supplies & Initial Stock (P-2197/88; A-1568)  
89 Ill. Adm. Code 895  
Total Life Planning Program (P-3310)  
89 Ill. Adm. Code 592  
Training Services (P-2092/88; A-1573)

CI - 7

## ILLINOIS REGISTER

1989 CUMULATIVE INDEX

APRIL 7, 1989

VOL. 13, ISSUE #14

## RETIREMENT SYSTEM OF ILLINOIS, STATE EMPLOYEES

80 Ill. Adm. Code 1570  
Administration & Operation of the State Employees' Retirement System of Ill.-Social Security Unit, The (P-14122/88; O-22492/88; R-1626; A-1577)

## REVENUE, DEPARTMENT OF

86 Ill. Adm. Code 600  
County Supplementary Retailers' Occupation Tax Regs. (P-1448)  
86 Ill. Adm. Code 610  
County Supplementary Service Occupation Tax Regs. (P-1460)  
86 Ill. Adm. Code 620  
County Supplementary Use Tax Regs. (P-1468)  
86 Ill. Adm. Code 630  
County Water Commission Retailers' Occupation Tax Regs. (P-1473)  
86 Ill. Adm. Code 640  
County Water Commission Service Occupation Tax Regs. (P-1485)  
86 Ill. Adm. Code 650  
County Water Commission Use Tax Regs. (P-1493)  
86 Ill. Adm. Code 100  
Income Tax Regs. (P-768) (P-2383)  
86 Ill. Adm. Code 432  
Pull Tabs & Jar Games Act (P-15027/88; A-191)  
86 Ill. Adm. Code 530  
Senior Citizens & Disabled Persons Property Tax Relief & Pharmaceutical Assistance Act (P-11104/88; A-1589)  
86 Ill. Adm. Code 151  
Vehicle Use Tax Regs. (P-1498)

## SAVINGS AND LOAN ASSOCIATIONS, COMMISSIONER OR

38 Ill. Adm. Code 400  
III. Savings & Loan Act of 1985 (P-1985)

## SCHOLARSHIP COMMISSION, STATE

23 Ill. Adm. Code 1720  
Guaranteed Loan Programs (P-15047/88; A-2872)

## SECRETARY OF STATE

92 Ill. Adm. Code 1040  
Cancellation, Revocation or Suspension of Licenses or Permits (P-15947/88; A-1593)  
92 Ill. Adm. Code 1010  
Certificates of Title, Registration of Vehicles (P-1103) (P-16432/88; A-1598)  
92 Ill. Adm. Code 1003  
Collection of Fees (P-20019/88; O-3454; RC-3458)  
14 Ill. Adm. Code 177  
Credit Services Organizations (P-20434/88; A-4937)  
92 Ill. Adm. Code 1000  
General Rules, Definitions (P-3316)  
23 Ill. Adm. Code 3030  
III. Library System Act, The (P-12180/88; A-1244)  
92 Ill. Adm. Code 1030  
Issuance of Licenses (P-2395) (P-2753) (P-3324) (P-3611)  
92 Ill. Adm. Code 1019  
Remittance Agents (P-19652/88; A-4944)

## SOUTHERN ILLINOIS UNIVERSITY, BOARD OF TRUSTEES OF

44 Ill. Adm. Code 540  
Joint Rules of the Board of Regents, the Board of Governors of State Colleges & Universities, the Board of Trustees of the University of Ill., & the Board of Trustees of Southern Ill. University: Procurement & Bidding (P-2764)

## STATE POLICE, DEPARTMENT OF

20 Ill. Adm. Code 1295  
Certification & Training of Electronic Criminal Surveillance Officers (P-17064/88; RC-1270; A-1856)

## TRANSPORTATION, DEPARTMENT OF

92 Ill. Adm. Code 177  
Carriage by Public Highway (P-20027/88; A-3957)  
92 Ill. Adm. Code 10  
Disadvantaged, Minority & Woman-Owned Businesses (P-19365/88; A-3962)  
92 Ill. Adm. Code 545  
Financing the Installation & Maintenance of School Traffic Signals & Commercial-Industrial Traffic Signals on State Highways (P-1111)  
92 Ill. Adm. Code 708  
Floodway Construction in Northeastern Ill. (P-1503)  
92 Ill. Adm. Code 171  
General Information, Regs., & Definitions (P-20032/88; A-3984)  
92 Ill. Adm. Code 172  
Hazardous Materials Table & Hazardous Materials Communications (P-20040/88; A-3993)  
92 Ill. Adm. Code 448  
Official Testing Stations (P-1127)  
92 Ill. Adm. Code 96  
Pal-Waukee Municipal Airport Hazard-Zoning (P-15049/88; A-3384)  
92 Ill. Adm. Code 173  
Shippers General Requirements for Shipments & Packagings (P-20055/88; A-3998)  
92 Ill. Adm. Code 178  
Shipping Container Specifications (P-20045/88; A-4004)  
92 Ill. Adm. Code 452  
Vehicle Inspection Stations Governing School Buses (PR-16447/88; W-2881)  
92 Ill. Adm. Code 451  
Vehicle Inspections (P-16536/88; W-2882)  
92 Ill. Adm. Code 534  
Vending Machines in Rest Areas (P-15952/88; A-1866) (P-2760)

CI - 8



**JOINT COMMITTEE ON ADMINISTRATIVE RULES**

**Agenda**

January 9, 1989 239  
March 1, 1989 2548  
April 5, 1989 4310

**Second Notices Received**

242, 668, 969, 1275, 1628, 1907, 2208, 2565, 2884, 3203, 3501, 4056, 4321, 4958

**PUBLIC HEARINGS ON PROPOSED RULES**

**FIRE MARSHAL, OFFICE OF THE STATE**

41 Ill. Adm. Code 100 Fire Prevention & Safety 2168

**PUBLIC HEALTH, DEPARTMENT OF**

77 Ill. Adm. Code 450 Clinical Laboratories & Blood Banks 2545  
77 Ill. Adm. Code 490 Ill. Blood Bank Code 3199

**PUBLIC INFORMATION**

**BANKS AND TRUST COMPANIES, COMMISSIONER OF**

Notice of Acceptance of an Application by Commerce Bancshares, Inc., Kansas City, Missouri, to Acquire First Bankers Trustshares, Inc., Quincy, Illinois 4055  
Notice of Acceptance of an Application by First Bankers, Inc., St. Louis, Missouri, to Acquire the Salem National Bank, Salem, Illinois 2169  
Notice of Acceptance of an Application by First of America Bank Corporation to Acquire Whiteside County Bank 1627  
Notice of Acceptance of an Application by Old National Bancorp to Acquire the First National Bank of Harrisburg 968

**LABOR, DEPARTMENT OF**

List of Contractors Prohibited from an Award of a Contract or a Subcontract for Public Works Project 3201  
List of Contractors Prohibited from an Award of a Contract or a Subcontract for Public Works Project 3202

**REVENUE, DEPARTMENT OF**

Index of Letter Rulings (Fourth Quarter of 1988) (ROT) 2170  
Index of Letter Rulings (Fourth Quarter of 1988) (Income Tax) 3481

**REGULATORY AGENCY**

**AGING, DEPARTMENT ON**

89 Ill. Adm. Code 230 Older Americans Act Programs 3197

**EXECUTIVE ORDERS AND PROCLAMATIONS**

**EXECUTIVE ORDERS**

89-1 Rescinding Executive Order 85-2 & Establishing the Ill. Planning Council on Developmental Disabilities 2212  
89-2 Executive Order Creating A Science & Technology Advisor to the Governor 4960

**PROCLAMATIONS**

89-001 James R. Wolfe's Memorial Award Day 669

**PROCLAMATIONS (CONT'D)**

89-002 Chicago Opera Theater Week 670  
89-003 American History Month 671  
89-004 Congratulates Frank R. Adams 672  
89-005 Vocational Education Week 673  
89-006 Volunteer Connection Day 674  
89-007 Cerebral Palsy Month 675  
89-008 Four Chaplains Sunday 676  
89-009 Homemakers Extension Association Week 677  
89-010 Ill. Trail Appreciation Month 678  
89-011 School Social Work Week 1277  
89-012 American Savings & Loan/100th Anniversary 680  
89-013 Center For Children's Services Day 681  
89-014 Child Find Month 682  
89-015 Jaycee Week 683  
89-016 Commissioned Corps of the United States Public Health Service Day 684  
89-017 Ill. Salutes India Month 971  
89-018 Junior Achievement Week 972  
89-019 Kiwanis Week 973  
89-020 Land Surveyors' Month 974  
89-021 Smiles for Little City Days 975  
89-022 Chicago Advertising Woman of the Year Week 976  
89-023 Dr. Martin Luther King Day 977  
89-024 Declares the Counties of Edwards, Wabash, Wayne & White to be Disaster Areas 978  
89-025 ROTC Week 1278  
89-026 Seed Month 1279  
89-027 Amateur Athletic Union Physique Day 1280  
89-028 Nutrition Month 1281  
89-029 American Homeless Awareness Day 1629  
89-030 Community Action Day 1630  
89-031 Orchid Week 1631  
89-032 Sales & Marketing Month 1632  
89-033 Poison Prevention Week 1633  
89-034 Ukrainian Independence Day 1634  
89-035 Free Enterprise Week 1635  
89-036 Snowmobile Safety Week 1636  
89-037 Women in Sports Day 1637  
89-038 Burn Awareness Week 1909  
89-039 Earth Day 1910  
89-040 Ill. Jaycee Week 1911  
89-041 Ill. Lumber & Material Dealers Days 1912  
89-042 Consumers Week 1913  
89-043 African-American History Month 1914  
89-044 Lions of Ill. Eye Bank Day 1915  
89-045 Black History Month 2219  
89-046 Employ the Older Worker Week 2220  
89-047 Future Business Leaders of America-Phi Beta Lambda Month 2221  
89-048 Lithuanian Independence Day 2222  
89-049 United States Power Squadrons Day 2223  
89-050 Cardiac Rehabilitation Week 2224  
89-051 Future Farmers of America Week 2225  
89-052 Labor-Management Cooperation Week 2226  
89-053 STC's International Technical Communication Week 2227  
89-054 Engineers Week 2228  
89-055 DuPage County Sesquicentennial 2568  
89-056 Tornado Preparedness Week 2569



ILLINOIS REGISTER  
1989 CUMULATIVE INDEX

VOL. 13, ISSUE #14

APRIL 7, 1989

PROCLAMATIONS (CONT'D)

89-057	Legislators' Fitness Day	2570
89-058	Rehabilitation Facilities Week	2887
89-059	Recognizes John G. Gilbert	2888
89-060	Grammy Awards Celebration Day	3205
89-061	Listening Awareness Day	3206
89-062	RP Awareness Day	3207
89-063	St. David's Day	3208
89-064	Women's History Month	3209
89-065	Casimir Pulaski Day	3210
89-066	Ill. State Quartet Convention Week	3211
89-067	Youth Art Month	3212
89-068	Viet Nam Veterans Day	3503
89-069	International Demolay Week	3504
89-070	Agriculture Week	3505
89-071	Herman Bryant Day	3506
89-072	Four Seasons Hotel Chicago Opening Day	3507
89-073	City of Belleville Year	3508
89-074	Shamrocks Against Dystrophy Days in Ill.	3509
89-075	Technical Education Week	3510
89-076	Pharmacy Day	4057
89-077	Arts Education Week	4058
89-078	Biomedical Equipment Technology Week	4059
89-079	U. S. Savings Bond Month	4060
89-080	Congratulates Top Ladies of Distinction	4061
89-081	Earthquake Awareness Week	4062
89-082	Home Center Week	4063
89-083	Junior League of Springfield Appreciation Week	4064
89-084	Licensed Practical Nurse Week	4065
89-085	POW-MIA Day	4066
89-086	Professional Social Work Month	4067
89-087	Rochelle Lee Fund Day	4068
89-088	School Psychology Week	4069
89-089	Call Before You Dig Month	4070
89-090	Ill. Veterans Affairs Day	4323
89-091	Marine Night Fighter Association Days	4324
89-092	Recognizes Clarence Darrow Community Center/Honors George Kalindonis	4325
89-093	Surgical Technologist Week	4326
89-094	Auctioneer's Week	4327
89-095	Ill. Clean & Beautiful & Tree City USA Appreciation Month	4328
89-096	Volunteer Week	4329
89-097	Bielarusian/Byelorusian Day	4962
89-098	Breastfeeding Promotion Month	4963
89-099	High Blood Pressure Month	4964
89-100	Jesse White Day	4965
89-101	Library Week	4966
89-102	Professional Secretaries Week/Professional Secretaries Day	4967
89-103	School Library Day	4968
89-104	Veterinary Medical Education Week	4969
89-105	American Vintage Wristwatch Day	4970
89-106	Gamma Phi Circus Week	4971
89-107	Ill. Employee Fitness Day	4972
89-108	Parks & Recreation Month	4973
89-109	Building Safety Week	4974
89-110	Groundwater Protection Month	4975
89-111	Ill. Cooperative Extension Day	4976
89-112	Ill. Industry Appreciation Day	4977

CI - 11

ILLINOIS REGISTER  
1989 CUMULATIVE INDEX

VOL. 13, ISSUE #14

APRIL 7, 1989

PROCLAMATIONS (CONT'D)

89-113	Post Anesthesia Nurse Awareness Week	4978
89-114	Recycling Week	4979
89-115	Public Health Professionals: Peers & Partners Week	4980
89-116	Business Opportunity Days	4981
89-117	Drinking Water Week	4982
89-118	Ill. Science Day	4983

CI - 12



The Sections Affected Index lists, by Title, each Section of a codified Part on which rulemaking activity has occurred in this volume of the Register and is divided into two parts: the first lists the Sections on which rulemaking activity occurred in the previous issues of this volume year; the second lists the Sections on which rulemaking activity occurred in this issue of the Register. (The headings at the top of each page indicate the two parts: the first part shows the previous issue numbers inclusively and the date of the last published issue; the second lists the current issue number and date.) The columns in both parts indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume (calendar year) of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 1 Ill. Adm. Code 100.280 was proposed last year and adopted this year. The action entry reads: (P-8577/86; A-724)) The codes for both columns are listed below. For a complete listing of the Titles of the Illinois Administrative Code, please refer to 1 Ill. Adm. Code 100.140 or contact the Administrative Code Division.

TYPE OF RULEMAKING		ACTION CODES	
am = amendment to existing Section	A = Adopted rule	O = ICAR Objection	
cc = codification changes	C = Correction	P = Proposed rule	
n = new Section	CC = Codification Changes	PF = Prohibited Filing	
r = repeal of existing Section	E = Emergency rule	PP = Peremptory rule	
rc = recodified	F = Failure to Remedy Objections	R = Refusal to Modify or Withdraw Recommendation	
# = renumbered	M = Modification	RC = ICAR Recommendation	
		S = Suspended rule	
		W = Withdrawal of Proposed rule	

TITLE 2		TITLE 2 (CONT'D)	
850.15	n (A-1510)	5025.320	n (A-3747)
850.20	am (A-1510)	5025.320	r (A-3742)
850.30	am (A-1510)		
850.110	am (A-1510)		
850.120	am (A-1510)		
850.130	am (A-1510)		
850.205	n (A-1510)		
850.210	am (A-1510)		
850.220	am (A-1510)		
850.230	am (A-1510)		
850.240	am (A-1510)		
850.Tb. A	am (A-1510)		
850.Tb. B	am (A-1510)		
850.Tb. C	am (A-1510)		
850.Tb. D	am (A-1510)		
850.Tb. E	am (A-1510)		
850.Tb. G	am (A-1510)		
850.Tb. H	am (A-1510)		
5025.10	r (A-3742)		
5025.110	n (A-3747)		
5025.120	n (A-3747)		
5025.130	n (A-3747)		
5025.140	n (A-3747)		
5025.150	n (A-3747)		
5025.160	n (A-3747)		
5025.170	n (A-3747)		
5025.180	n (A-3747)		
5025.210	n (A-3742)		
5025.210	n (A-3742)		
5025.220	r (A-3742)		
5025.230	r (A-3742)		
5025.310	n (A-3747)		

TITLE 8		TITLE 8 (CONT'D)	
20.1	am (P-1917/88; W-2166)		
25.20	am (P-1916/88; A-3628)		
25.30	am (P-1916/88; A-3628)		
25.50	am (P-1916/88; A-3628)		
25.130	am (P-1916/88; A-3628)		
75.5	am (P-1917/88; A-3636)		
75.190	am (P-1917/88; A-3636)		
80.10	am (P-1919/88; A-3676)		
80.20	am (P-1919/88; A-3676)		
80.110	am (P-1919/88; A-3676)		
85.5	am (P-1918/88; A-3642)		
85.10	am (P-1918/88; A-3642)		
85.15	am (P-1918/88; A-3642)		
85.50	am (P-1918/88; A-3642)		
90.10	am (P-1920/88; A-3681)		
105.5	am (P-1920/88; A-3681)		
105.10	am (P-2030/88; A-3715)		
105.30	am (P-2030/88; A-3715)		
110.50	am (P-1915/88; A-3617)		
110.80	am (P-1915/88; A-3617)		
110.90	am (P-1915/88; A-3617)		
110.110	am (P-1915/88; A-3617)		
110.120	am (P-1915/88; A-3617)		
115.10	am (P-1921/88; A-3685)		
115.20	am (P-1921/88; A-3685)		
125.10	am (PP-228)		

TITLE 11		TITLE 11 (CONT'D)	
208.10	n (P-1392/88; R-1250; M-1250; A-1232)		
208.20	n (P-1392/88; R-1250; A-1232)		
208.30	n (P-1392/88; R-1250; A-1232)		
208.40	n (P-1392/88; R-1250; A-1232)		
208.100	n (P-1392/88; R-1250; A-1232)		
208.110	n (P-1392/88; R-1250; A-1232)		
208.120	n (P-1392/88; R-1250; A-1232)		
417.30	am (E-1899) (P-1979)		
417.35	n (E-1899) (P-1979)		
417.100	n (E-1899) (P-1979)		
422.20	n (P-1392/88; A-1558)		
437.10	n (P-1099)		
437.20	n (P-1099)		

TITLE 14		TITLE 14	
570.30	am (P-2071/87; A-58)		
590.10	am (P-1524/88; A-2028)		
590.80	n (P-1524/88; A-2028)		
590.81	n (P-1524/88; A-2028)		
590.90	n (P-1524/88; A-2028)		
590.92	n (P-1524/88; A-2028)		
590.93	n (P-1524/88; A-2028)		
620.10	am (P-1479/88; A-1758)		
620.30	am (P-1479/88; A-1758)		
620.40	am (P-1479/88; A-1758)		
620.50	am (P-1479/88; A-1758)		
620.60	am (P-1479/88; A-1758)		
620.70	am (P-1479/88; A-1758)		
620.80	am (P-1479/88; A-1758)		
620.90	am (P-1479/88; A-1758)		
630.20	am (P-4987/88; A-4164)		



TITLE 14 (CONT'D)

630.40 am (P-4987/88; A-4164)

TITLE 17

110.30 am (P-20363/88; A-3785)

110.45 am (P-20363/88; A-3785)

110.60 am (P-20363/88; A-3785)

110.70 am (P-20363/88; A-3785)

110.90 am (P-20363/88; A-3785)

110.120 am (P-20363/88; A-3785)

110.150 am (P-20363/88; A-3785)

110.180 am (P-20363/88; A-3785)

220.10 n (P-731)

220.20 n (P-731)

220.30 n (P-731)

220.40 n (P-731)

220.50 n (P-731)

220.60 n (P-731)

220.70 n (P-731)

220.80 n (P-731)

220.90 n (P-731)

510.10 am (P-3268)

550.30 am (P-3273)

570.40 am (P-5087/88; A-12034/88; O-3468)

570.20 am (P-2632)

570.30 am (P-2632)

570.40 am (P-2632)

590.10 am (P-3221) (E-22244/88; O-3462)

590.30 am (P-3221)

590.40 am (P-3221)

590.50 am (P-3221)

590.60 am (P-3221)

590.70 am (P-3221)

590.80 am (P-3221)

590.90 am (P-3221)

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590.50 am (P-3221)

590.60 am (P-3221)

590.70 am (P-3221)

590.80 am (P-3221)

590.90 am (P-3221)

TITLE 17 (CONT'D)

1560.10 n (P-2626)

1560.20 n (P-2626)

1560.30 n (P-2626)

1560.40 n (P-2626)

1560.50 n (P-2626)

1560.60 n (P-2626)

1560.70 n (P-2626)

1560.80 n (P-2626)

1560.90 n (P-2626)

1590.110 am (P-2622)

1590.120 am (P-2622)

2030.60 n (E-2878)

TITLE 20

107.170 r (P-979)

502.40 am (P-3528)

1295.10 n (P-17064/88; A-1856)

1295.20 n (P-17064/88; A-1856)

1295.30 n (P-17064/88; A-1856)

1295.40 n (P-17064/88; A-1856)

1295.50 n (P-17064/88; A-1856)

1295.60 n (P-17064/88; A-1856)

1295.70 n (P-17064/88; A-1856)

1295.80 n (P-17064/88; A-1856)

1520.10 am (P-1317) (E-1605)

1520.46 n (P-1317) (E-1605)

1520.50 am (P-1317) (E-1605)

1610.70 am (P-4774/88; A-3063)

TITLE 23

120.130 n (P-19266/88; O-3416)

227.10 am (P-4097)

227.12 n (P-4097)

227.14 n (P-4097)

227.16 n (P-4097)

227.18 n (P-4097)

227.30 am (P-4097)

227.40 am (P-4097)

230.10 am (P-12747/88; A-1535)

230.30 am (P-12747/88; A-1535)

230.60 am (P-12747/88; A-1535)

275.90 am (P-12747/88; A-1535)

500.20 am (P-1730)

500.50 am (P-1730)

500.120 am (P-1730)

1501.307 am (P-4087)

1501.309 am (P-4087)

1501.501 am (P-3517)

1501.503 am (P-3517)

1501.508 am (P-3517)

1501.509 am (P-16313/88; A-1182)

1720.140 am (P-15047/88; A-2872)

1720.140 am (P-15047/88; A-2872)

2310.80 am (P-1319)

3030.60 am (P-12180/88; A-1244)

3030.105 am (P-12180/88; A-1244)

TITLE 23 (CONT'D)

3300.10 n (P-14809/88; O-3440)

3300.20 n (P-14809/88; O-3440)

3300.30 n (P-14809/88; O-3440)

3300.40 n (P-14809/88; O-3440)

3300.50 n (P-14809/88; O-3440)

3300.60 n (P-14809/88; O-3440)

3300.70 n (P-14809/88; O-3440)

3300.80 n (P-14809/88; O-3440)

TITLE 29

430.10 r (P-17585/88; A-2049)

430.15 n (P-17575/88; A-2040)

430.20 r (P-17585/88; A-2049)

430.30 n (P-17575/88; A-2040)

430.40 n (P-17575/88; A-2040)

430.50 n (P-17575/88; A-2040)

430.60 n (P-17575/88; A-2040)

430.70 n (P-17575/88; A-2040)

430.80 n (P-17575/88; A-2040)

TITLE 32

360.10 am (P-13858/88; A-803)

360.20 am (P-13858/88; A-803)

360.30 am (P-13858/88; A-803)

360.40 am (P-13858/88; A-803)

360.50 am (P-13858/88; A-803)

360.60 am (P-13858/88; A-803)

360.70 am (P-13858/88; A-803)

360.80 am (P-13858/88; A-803)

360.90 am (P-13858/88; A-803)

360.100 am (P-13858/88; A-803)

360.100 am (P-13858/88; A-803)

360.100 am (P-13858/88; A-803)

360.100 am (P-13858/88; A-803)

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360.100 am (P-13858/88; A-803)

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360.100 am (P-13858/88; A-803)

360.100 am (P-13858/88; A-803)

360.100 am (P-13858/88; A-803)

360.100 am (P-13858/88; A-803)

360.100 am (P-13858/88; A-803)

360.100 am (P-13858/88; A-803)

TITLE 35 (CONT'D)

201.401 n (P-5154/88; O-29221/88; R-1624; A-2066)

201.402 n (P-5154/88; O-29221/88; R-1624; A-2066)

201.403 n (P-5154/88; O-29221/88; R-1624; A-2066)

201.404 n (P-5154/88; O-29221/88; R-1624; A-2066)

201.405 n (P-5154/88; O-29221/88; R-1624; A-2066)

201.406 n (P-5154/88; O-29221/88; R-1624; A-2066)

201.407 n (P-5154/88; O-29221/88; R-1624; A-2066)

201.408 n (P-5154/88; O-29221/88; R-1624; A-2066)

211.101 am (P-19296/88; W-2537)

211.102 am (P-19296/88; W-2537)

243.108 am (P-19296/88; W-2536)

243.120 n (P-19296/88; W-2536)

251.103 am (E-955)

251.201 am (E-955)

251.202 n (E-955)

251.203 am (E-955)

251.208 am (E-955)

251.210 am (E-955)

251.212 r (E-955)

251.215 am (E-955)

251.301 am (E-955)

304.220 n (P-11397/88; A-2060)

304.302 n (P-11669/88; A-851)

307.1508 am (P-16396/88; A-1794)

307.1704 am (P-16396/88; A-1794)

307.2101 am (P-16396/88; A-1794)

307.2903 am (P-16396/88



TITLE 35 (CONT'D)

378.Ap. B n	(P-12753/88; A-1190)
378.Ap. C n	(P-12753/88; A-1190)
378.Ap. D n	(P-12753/88; A-1190)
378.Ap. E n	(P-12753/88; A-1190)
601.105 am	(P-262)
604.203 am	(P-255)
605.104 am	(P-269; C-2539)
661.302 am	(P-1738)
703.123 am	(P-15444/88; A-447)
704.143 am	(P-17167/88; A-478)
720.110 am	(P-15327/88; A-362)
720.111 am	(P-15327/88; A-362)
721.104 am	(P-15347/88; A-382)
721.105 am	(P-15347/88; A-382)
721.133 am	(P-15347/88; A-382)
721.Ap. H am	(P-15347/88; A-382)
722.110 am	(P-15449/88; A-452)
722.151 am	(P-15449/88; A-452)
724.101 am	(P-15455/88; A-458)
724.Ap. I am	(P-15455/88; A-458)
725.101 am	(P-15402/88; A-437)
731.101 r	(P-2650)
731.102 r	(P-2650)
731.103 r	(P-2650)
731.110 n	(P-2650)
731.111 n	(P-2650)
731.112 n	(P-2650)
731.113 n	(P-2650)
731.114 n	(P-2650)
731.120 n	(P-2650)
731.121 n	(P-2650)
731.122 n	(P-2650)
731.130 n	(P-2650)
731.131 n	(P-2650)
731.132 n	(P-2650)
731.133 n	(P-2650)
731.134 n	(P-2650)
731.140 n	(P-2650)
731.141 n	(P-2650)
731.142 n	(P-2650)
731.143 n	(P-2650)
731.144 n	(P-2650)
731.145 n	(P-2650)
731.150 n	(P-2650)
731.151 n	(P-2650)
731.152 n	(P-2650)
731.153 n	(P-2650)
731.160 n	(P-2650)
731.161 n	(P-2650)
731.162 n	(P-2650)
731.163 n	(P-2650)
731.164 n	(P-2650)
731.165 n	(P-2650)
731.166 n	(P-2650)
731.167 n	(P-2650)
731.170 n	(P-2650)

TITLE 41

100.110 n	(E-582) (P-1323)
170.71 n	(P-1756) (E-1886)
170.72 n	(P-1756) (E-1886)

SAI - 5

TITLE 41 (CONT'D)

170.73 n	(P-1756) (E-1886)
170.75 am	(P-1756) (E-1886)
170.106 n	(P-1756) (E-1886)
170.107 n	(P-1756) (E-1886)
170.108 n	(P-1756) (E-1886)
180.10 am	(P-1754) (E-1875)
180.20 am	(P-1754) (E-1875)
180.25 n	(P-1754) (E-1875)

TITLE 44

525.5 r	(P-2709)
525.10 am	(P-2709)
525.20 am	(P-2709)
525.50 n	(P-2709)
525.60 n	(P-2709)
525.70 #	(P-2709)
525.70 am	(P-2709)
525.100 am	(P-2709)
525.110 am	(P-2709)
525.200 #	(P-2709)
525.300 am	(P-2709)
525.310 r	(P-2709)
525.320 am	(P-2709)
525.330 am	(P-2709)
525.340 am	(P-2709)
525.350 am	(P-2709)
525.400 am	(P-2709)
525.410 am	(P-2709)
525.500 am	(P-2709)
525.510 am	(P-2709)
525.520 am	(P-2709)
525.530 am	(P-2709)
525.540 n	(P-2709)
525.600 am	(P-2709)
525.610 am	(P-2709)
525.620 am	(P-2709)
525.630 am	(P-2709)
525.640 am	(P-2709)
525.650 am	(P-2709)
525.660 am	(P-2709)
525.670 am	(P-2709)
525.700 am	(P-2709)
525.710 am	(P-2709)
525.720 am	(P-2709)
526.10 n	(P-2746)
526.20 n	(P-2746)
526.30 n	(P-2746)
526.40 n	(P-2746)
526.50 n	(P-2746)
526.60 n	(P-2746)
526.70 n	(P-2746)
530.5 r	(P-2648)
530.10 am	(P-2648)
530.20 am	(P-2648)
530.50 n	(P-2648)
530.60 n	(P-2648)

TITLE 44 (CONT'D)

530.70 #	(P-2648)
530.70 am	(P-2648)
530.100 am	(P-2648)
530.110 am	(P-2648)
530.200 #	(P-2648)
530.300 am	(P-2648)
530.310 r	(P-2648)
530.320 am	(P-2648)
530.330 am	(P-2648)
530.340 am	(P-2648)
530.350 am	(P-2648)
530.400 am	(P-2648)
530.410 am	(P-2648)
530.500 am	(P-2648)
530.510 am	(P-2648)
530.520 am	(P-2648)
530.530 am	(P-2648)
530.540 n	(P-2648)
530.600 am	(P-2648)
530.610 am	(P-2648)
530.620 am	(P-2648)
530.630 am	(P-2648)
530.640 am	(P-2648)
530.650 am	(P-2648)
530.660 am	(P-2648)
530.670 am	(P-2648)
530.700 am	(P-2648)
530.710 am	(P-2648)
530.720 am	(P-2648)
535.5 r	(P-2766)
535.10 am	(P-2766)
535.20 am	(P-2766)
535.30 n	(P-2766)
535.60 n	(P-2766)
535.70 am	(P-2766)
535.70 am	(P-2766)
535.100 am	(P-2766)
535.110 am	(P-2766)
535.200 #	(P-2766)
535.300 am	(P-2766)
535.310 r	(P-2766)
535.320 am	(P-2766)
535.330 am	(P-2766)
535.340 am	(P-2766)
535.350 am	(P-2766)
535.400 am	(P-2766)
535.410 am	(P-2766)
535.500 am	(P-2766)
535.510 am	(P-2766)
535.520 am	(P-2766)
535.530 am	(P-2766)
535.540 n	(P-2766)
535.600 am	(P-2766)
535.610 am	(P-2766)
535.620 am	(P-2766)
535.630 am	(P-2766)

SAI - 6



## TITLE 44 (CONT'D)

535.640	am	(P-2766)	160.80	am	(P-9271/88; A-2024)
535.650	am	(P-2766)	TITLE 47 (CONT'D)		
535.660	am	(P-2766)	TITLE 50		
535.670	am	(P-2766)	201.20	am	(P-2909)
535.700	am	(P-2766)	201.30	am	(P-2909)
535.710	am	(P-2766)	201.50	am	(P-2909)
535.720	am	(P-2766)	201.60	am	(P-2909)
540.5	r	(P-2764)	301.30	am	(P-2901)
540.10	am	(P-2764)	301.60	am	(P-2901)
540.20	am	(P-2764)	301.70	am	(P-2901)
540.30	n	(P-2764)	401.30	am	(P-2905)
540.60	n	(P-2764)	401.60	am	(P-2905)
540.70	#	(P-2764)	401.70	am	(P-2905)
540.70	am	(P-2764)	601.10	n	(P-1985/88; A-2051)
540.100	am	(P-2764)	601.20	n	(P-1985/88; A-2051)
540.110	am	(P-2764)	601.30	n	(P-1985/88; A-2051)
540.200	#	(P-2764)	601.40	n	(P-1985/88; A-2051)
540.300	am	(P-2764)	601.50	n	(P-1985/88; A-2051)
540.310	r	(P-2764)	601.60	n	(P-1985/88; A-2051)
540.320	am	(P-2764)	601.70	n	(P-1985/88; A-2051)
540.330	am	(P-2764)	601.80	n	(P-1985/88; A-2051)
540.340	am	(P-2764)	601.90	n	(P-1985/88; A-2051)
540.350	am	(P-2764)	601.100	n	(P-1985/88; A-2051)
540.400	am	(P-2764)	601.110	n	(P-1985/88; A-2051)
540.410	am	(P-2764)	601.120	n	(P-1985/88; A-2051)
540.500	am	(P-2764)	601.130	n	(P-1985/88; A-2051)
540.510	am	(P-2764)	601.140	n	(P-1985/88; A-2051)
540.520	am	(P-2764)	754.Ex. B	am	(P-2057/88; A-1542)
540.530	am	(P-2764)	919.10	am	(P-13535/88; C-17456/88; A-1204)
540.540	n	(P-2764)	919.20	am	(P-13535/88; C-17456/88; A-1204)
540.600	am	(P-2764)	919.30	am	(P-13535/88; C-17456/88; A-1204)
540.610	am	(P-2764)	919.40	am	(P-13535/88; C-17456/88; A-1204)
540.620	am	(P-2764)	919.50	am	(P-13535/88; C-17456/88; A-1204)
540.630	am	(P-2764)	919.60	am	(P-13535/88; C-17456/88; A-1204)
540.640	am	(P-2764)	919.70	am	(P-13535/88; C-17456/88; A-1204)
540.650	am	(P-2764)	919.80	am	(P-13535/88; C-17456/88; A-1204)
540.660	am	(P-2764)	919.90	am	(P-13535/88; C-17456/88; A-1204)
540.670	am	(P-2764)	919.Ex. A	n	(P-13535/88; C-17456/88; A-1204)
540.700	am	(P-2764)	2008.10	am	(P-251) (E-586; O-3471)
540.710	am	(P-2764)	2008.20	am	(P-251) (E-586; O-3471)
540.720	am	(P-2764)	2008.30	am	(P-251) (E-586; O-3471)
910.130	am	(P-1917)	2008.40	am	(P-251) (E-586; O-3471)
4400.25	n	(P-44)	2008.50	am	(P-251) (E-586; O-3471)
5040.590	r	(P-4071)	2008.60	am	(P-251) (E-586)
TITLE 47			2008.70	am	(P-251) (E-586; O-3471)
100.70	am	(P-1930)	2008.71	n	(P-251) (E-586)
100.85	am	(P-1930)	2008.80	am	(P-251) (E-586; O-3471)
100.90	am	(P-1930)	2008.81	n	(P-251) (E-586)
100.110	am	(P-1930)	2008.82	n	(P-251) (E-586)
100.120	am	(P-1930)	2008.90	am	(P-251) (E-586; O-3471)
120.80	am	(P-1311)	2008.Ap. A	am	(P-251) (E-586; O-3471)
120.100	am	(P-1311)	2008.Ap. B	am	(P-251) (E-586; O-3471)
120.110	am	(P-1311)	2008.Ap. C	am	(P-251) (E-586; O-3471)
120.115	n	(P-4521/88; A-779)	2008.Ap. E	n	(P-251) (E-586; O-3471)
120.115	n	(P-4521/88; A-779)	2008.Ap. F	n	(P-251) (E-586; O-3471)
120.115	am	(P-4075)	2008.Ap. G	n	(P-251) (E-586; O-3471)

## TITLE 50 (CONT'D)

2011.10	n	(P-13558/88; A-3804)	TITLE 68 (CONT'D)		
2011.20	n	(P-13558/88; A-3804)	600.80	am	(P-19795/88; A-3665)
2011.30	n	(P-13558/88; A-3804)	600.90	n	(P-19795/88; A-3665)
2011.40	n	(P-13558/88; A-3804)	600.100	n	(P-19795/88; A-3665)
2011.50	n	(P-13558/88; A-3804)	600.110	n	(P-19795/88; A-3665)
2011.60	n	(P-13558/88; A-3804)	610.10	am	(P-19205/88; A-3690)
2011.70	n	(P-13558/88; A-3804)	610.20	am	(P-19205/88; A-3690)
2011.Ap. A	n	(P-13558/88; A-3804)	610.30	am	(P-19205/88; A-3690)
2011.Ap. B	n	(P-13558/88; A-3804)	610.40	am	(P-19205/88; A-3690)
2011.Ap. C	n	(P-13558/88; A-3804)	610.60	am	(P-19205/88; A-3690)
2502.10	r	(P-2234)	1220.110	am	(P-5867/88; A-4191)
2502.20	r	(P-2234)	1220.120	am	(P-5867/88; A-4191)
2801.50	am	(P-3531)	1220.130	am	(P-5867/88; A-4191)
6301.Ex. A	am	(P-14502/88; A-1780)	1220.150	r	(P-5867/88; A-4191)
6302.40	am	(P-15269/88; A-3801)	1220.160	am	(P-5867/88; A-4191)
TITLE 56			1220.220	am	(P-5867/88; A-4191)
2090.105	am	(P-17)	1220.231	am	(P-5867/88; A-4191)
2600.20	am	(P-3515) (E-4028)	1220.240	am	(P-5867/88; A-4191)
2600.30	am	(P-3515) (E-4028)	1220.260	n	(P-5867/88; A-4191)
2625.20	n	(P-3513) (E-4019)	1220.340	r	(P-5867/88; A-4191)
2625.30	n	(P-3513) (E-4019)	1220.350	n	(P-5867/88; A-4191)
2625.40	n	(P-3513) (E-4019)	1220.400	n	(P-5867/88; A-4191)
2625.50	n	(P-3513) (E-4019)	1220.410	r	(P-5867/88; A-4191)
2712.201	n	(P-15257/88; O-22482/88; R-965; A-795)	1220.421	am	(P-5867/88; A-4191)
2712.202	n	(P-15257/88; O-22482/88; R-965; A-795)	1220.425	n	(P-5867/88; A-4191)
2712.203	n	(P-15257/88; O-22482/88; R-965; A-795)	1220.431	r	(P-5867/88; A-4191)
2712.205	n	(P-15257/88; O-22482/88; R-965; A-795)	1220.435	am	(P-5867/88; A-4191)
2712.207	n	(P-15257/88; O-22482/88; R-965; A-795)	1220.500	n	(P-5867/88; A-4191)
2712.210	n	(P-15257/88; O-22482/88; R-965; A-795)	1220.510	n	(P-5867/88; A-4191)
2732.210	n	(P-1945)	1220.520	n	(P-5867/88; A-4191)
2765.205	am	(P-752)	1220.530	n	(P-5867/88; O-3444; R-4306; A-4191)
2770.105	am	(P-743)	1220.Ap. A	r	(P-5867/88; A-4191)
2905.1	am	(P-2229)	1220.Ap. B	am	(P-5867/88; A-4191)
2905.15	am	(P-2229)	1220.Ap. C	am	(P-5867/88; A-4191)
2905.25	r	(P-2229)	1250.130	am	(P-3535)
2905.40	n	(P-2229)	1250.190	am	(P-3535)
TITLE 59			1280.10	r	(P-8536/88; A-513)
106.15	am	(P-18087/88; A-3821)	1280.20	r	(P-8536/88; A-513)
TITLE 62			1280.30	r	(P-8536/88; A-513)
220.10	am	(P-23)	1280.40	r	(P-8536/88; A-513)
220.80	am	(P-23)	1280.50	r	(P-8536/88; A-513)
220.160	am	(P-756)	1280.60	r	(P-8536/88; A-513)
TITLE 68			1280.70	r	(P-8536/88; A-513)
600.10	am	(P-19795/88; A-3665)	1280.80	r	(P-8536/88; A-513)
600.30	am	(P-19795/88; A-3665)	1280.85	r	(P-8536/88; A-513)
600.60	am	(P-19795/88; A-3665)	1280.105	r	(P-8536/88; A-513)
			1280.107	r	(P-8536/88; A-513)
			1280.110	r	(P-8536/88; A-513)
			1285.20	am	(P-274) (E-651; O-3475)
			1285.30	n	(P-8571/88; A-483)
				n	(P-8571/88; A-483)



[illegible]

TITLE 71	40	130	n
	1510	100	n
	1510	110	n
	1510	110	n
	1510	120	n
	1510	130	n
	1510	140	n
	1510	140	n
	1510	150	n
	1510	200	n
1510 Ap. A	1510	210	n
	1510	220	n
	1510	300	n
	1510	310	n
	1510	320	n
	1510	330	n
	1510	340	n
	1510	350	n
	1510	350	n
	1510 Ap. B	1510	360
TITLE 77	380	100	n
	380	110	n
	380	115	n
	380	125	n
	380	120	n
	380	130	n
	380	140	n
	380	150	n
	380	160	n
	380	170	n
1510 Ap. A	380	180	n
	380	180	n
	380	190	n
	380	200	n
	380	210	n
	380	220	n
	380	230	n
	380	240	n
	380	250	n
	380	260	n
1510 Ap. B	380	260	n
	380	270	n
	380	280	n
	380	290	n
	380	300	n
	380	310	n
	380	320	n
	380	330	n
	380	340	n
	380	350	n
1510 Ap. A	380	360	n
	380	370	n
	380	380	n
	380	390	n
	380	400	n
	380	410	n
	380	420	n
	380	430	n
	380	440	n
	380	440	n

[illegible]

TABLE 77. (CONT'D.)		
(P)	(P)	(P)
380,450	n	n
380,460	n	n
380,470	n	n
380,480	n	n
380,490	n	n
380,495	n	n
380,500	n	n
380,510	n	n
380,520	n	n
380,530	n	n
380,540	n	n
380,550	n	n
380,560	n	n
380,570	n	n
380,580	n	n
380,590	n	n
380,600	n	n
380,610	n	n
380,620	n	n
380,630	n	n
380,640	n	n
380,650	n	n
380,660	n	n
380,670	n	n
380,680	n	n
380,690	n	n
380,700	n	n
380,710	n	n
380,720	n	n
380,730	n	n
380,740	n	n
380,750	n	n
380,760	n	n
380,770	n	n
380,780	n	n
380,790	n	n
380,800	n	n
380,810	n	n
380,820	n	n
380,830	n	n
380,840	n	n
380,850	n	n
380,860	n	n
380,870	n	n
380,880	n	n
380,890	n	n
380,900	n	n
380,910	n	n
450,05	n	n
450,10	am	am
450,20	am	am
450,30	am	am
450,35	n	n
450,40	n	n
450,210	am	am

**TITLE 27 - CONTINUED**



TITLE 77 (CONT'D)

490.20	n	(P-2974)
490.30	n	(P-2974)
490.40	n	(P-2974)
490.40	n	(P-2974)
490.210	n	(P-2974)
490.220	n	(P-2974)
490.230	n	(P-2974)
490.310	n	(P-2974)
490.320	n	(P-2974)
490.330	n	(P-2974)
490.410	n	(P-2974)
490.420	n	(P-2974)
490.430	n	(P-2974)
490.440	n	(P-2974)
490.510	n	(P-2974)
490.520	n	(P-2974)
490.610	n	(P-2974)
490.620	n	(P-2974)
490.710	n	(P-2974)
490.720	n	(P-2974)
490.730	n	(P-2974)
490.740	n	(P-2974)
490.750	n	(P-2974)
490.760	n	(P-2974)
490.770	n	(P-2974)
490.780	n	(P-2974)
490.810	n	(P-2974)
490.820	n	(P-2974)
490.830	n	(P-2974)
490.840	n	(P-2974)
490.910	n	(P-2974)
535.20	am	(P-4126)
535.150	am	(P-4126)
535.200	am	(P-4126)
535.240	am	(P-4126)
535.400	am	(P-4126)
535.410	am	(P-4126)
535.420	am	(P-4126)
535.430	am	(P-4126)
535.800	n	(P-4126)
535.810	n	(P-4126)
535.820	n	(P-4126)
535.830	n	(P-4126)
535.840	n	(P-4126)
535.850	n	(P-4126)
535.860	n	(P-4126)
535.870	n	(P-4126)
542.10	n	(P-4544/88; A-3086)
542.20	n	(P-4544/88; A-3086)
542.30	n	(P-4544/88; A-3086)
542.40	n	(P-4544/88; A-3086)
542.50	n	(P-4544/88; A-3086)
542.60	n	(P-4544/88; A-3086)
542.70	n	(P-4544/88; A-3086)
542.80	n	(P-4544/88; A-3086)
542.90	n	(P-4544/88; A-3086)
542.100	n	(P-4544/88; A-3086)

TITLE 77 (CONT'D)

661.10	am	(P-3599)
661.15	am	(P-3599)
661.20	am	(P-3599)
661.30	am	(P-3599)
661.35	am	(P-3599)
661.40	am	(P-3599)
661.50	am	(P-3599)
725.5	r	(P-7265/88; A-2517)
725.10	r	(P-7265/88; A-2517)
725.15	n	(P-7272/88; A-2502)
725.20	n	(P-7272/88; A-2502)
725.25	n	(P-7272/88; A-2502)
725.30	r	(P-7265/88; A-2517)
725.35	r	(P-7272/88; A-2502)
725.40	r	(P-7265/88; A-2517)
725.45	n	(P-7272/88; A-2502)
725.50	r	(P-7265/88; A-2517)
725.55	n	(P-7272/88; A-2502)
725.60	r	(P-7265/88; A-2517)
725.65	r	(P-7272/88; A-2502)
725.70	n	(P-7272/88; A-2502)
725.75	n	(P-7272/88; A-2502)
725.80	r	(P-7265/88; A-2517)
725.85	n	(P-7272/88; A-2502)
725.90	am	(P-1411/88; A-1819)
750.10	am	(P-1411/88; A-1819)
750.140	am	(P-1411/88; A-1819)
760.20	am	(P-1411/88; A-1830)
760.150	am	(P-3015) (E-3108)
790.420	am	(P-12991/88; P-16425/88; A-856)
790.460	am	(P-3015) (E-3108)
790.500	am	(P-12991/88; P-16425/88; A-856)
790.540	am	(P-12991/88; P-16425/88; A-856)
790.580	am	(P-3015) (E-3108)
790.600	am	(P-16425/88; A-856)
790.620	am	(P-3015) (E-3108)
790.630	am	(P-12991/88; A-856)
790.799	n	(P-12991/88; A-856)
790.799	am	(P-16425/88; A-856)
790.860	am	(P-16425/88; A-856)
790.900	am	(P-3015) (E-3108)
790.905	am	(P-3015) (E-3108)
790.910	am	(P-12991/88; A-856)
790.940	am	(P-12991/88; A-856)

TITLE 77 (CONT'D)

790.974	am	(P-16425/88; A-856)
790.980	am	(P-3015) (E-3108)
790.1060	am	(P-12991/88; A-856)
790.1100	r	(P-16425/88; A-856)
790.1125	n	(P-16425/88; A-856)
790.1125	am	(P-3015) (E-3108)
790.1127	am	(P-3015) (E-3108)
790.1127	n	(P-16425/88; A-856)
790.1129	am	(P-16425/88; A-856)
790.1129	am	(P-3015) (E-3108)
790.1131	am	(P-16425/88; A-856)
790.1131	am	(P-3015) (E-3108)
790.1200	am	(P-3015) (E-3108)
790.1300	am	(P-16425/88; A-856) (P-3015)
790.1345	am	(P-16425/88; A-856)
790.1440	n	(P-16425/88; A-856)
790.1460	am	(P-16425/88; A-856)
790.1560	n	(P-12991/88; P-16425/88; A-856)
790.1570	am	(P-16425/88; A-856)
790.1570	am	(P-3015) (E-3108)
790.1577	am	(P-16425/88; A-856) (P-3015)
790.1620	am	(P-12991/88; A-856)
790.1660	am	(P-16425/88; A-856)
790.1685	am	(P-12991/88; A-856) (P-3015)
790.1697	am	(P-3015) (E-3108)
790.1700	am	(P-3015) (E-3108)
790.1706	am	(P-3015) (E-3108)
790.1708	am	(P-3015) (E-3108)
790.1710	am	(P-3015) (E-3108)
790.1721	am	(P-16425/88; A-856)
790.1740	am	(P-16425/88; A-856) (P-3015)
790.1930	am	(P-16425/88; A-856)
790.1980	am	(P-3015) (E-3108)
790.2060	am	(P-16425/88; A-856)
790.2097	am	(P-12991/88; A-856) (P-3015)
790.2140	am	(P-12991/88; P-16425/88; A-856)
790.2180	am	(P-16425/88; A-856)
790.2260	am	(P-16425/88; A-856)
790.2340	am	(P-16425/88; A-856)
790.2380	am	(P-16425/88; A-856)
790.2500	am	(P-12991/88; P-16425/88; A-856)
790.2540	am	(P-3015) (E-3108)
790.2580	am	(P-16425/88; A-856)
790.2603	n	(P-3015) (E-3108)
790.2605	am	(P-16425/88; A-856)
790.2613	am	(P-16425/88; A-856)
790.2617	am	(P-16425/88; A-856) (P-3015)
790.2618	am	(P-12991/88; P-16425/88; A-856)

TITLE 77 (CONT'D)

790.2663	am	(P-3015) (E-3108)
790.2668	am	(P-3015) (E-3108)
790.2672	am	(P-3015) (E-3108)
790.2700	am	(P-3015) (E-3108)
790.2780	am	(P-16425/88; A-856) (P-3015)
790.2800	n	(P-3015) (E-3108)
790.2860	am	(P-16425/88; A-856)
790.2900	am	(P-16425/88; A-856) (P-3015)
790.2904	am	(E-3108)
790.2904	am	(P-16425/88; A-856) (P-3015)
790.2928	r	(P-16425/88; A-856)
790.2928	n	(P-12991/88; A-856)
790.2932	am	(P-16425/88; A-856)
790.2940	am	(P-3015) (E-3108)
790.3020	am	(P-16425/88; A-856)
790.3023	am	(P-3015) (E-3108)
790.3027	am	(P-16425/88; A-856)
790.3028	am	(P-3015) (E-3108)
790.3054	am	(P-3015) (E-3108)
790.3085	am	(P-16425/88; A-856)
790.3100	am	(P-16425/88; A-856)
790.3300	am	(P-16425/88; A-856) (P-3015)
790.3315	am	(P-3015) (E-3108)
790.3335	am	(P-16425/88; A-856)
790.3340	am	(P-12991/88; P-16425/88; A-856)
790.3420	am	(P-12991/88; A-856) (P-3015)
790.3425	am	(E-3108)
790.3437	am	(P-16425/88; A-856)
790.3440	n	(P-16425/88; A-856)
790.3475	n	(P-16425/88; A-856)
790.3492	am	(P-3015) (E-3108)
790.3500	am	(P-16425/88; A-856)
790.3540	am	(P-16425/88; A-856)
790.3620	am	(P-12991/88; P-16425/88; A-856)
790.3700	am	(P-3015) (E-3108)
790.3720	n	(P-16425/88; A-856)
790.3900	am	(P-16425/88; A-856)
790.3907	am	(P-12991/88; A-856)
790.3910	n	(P-12991/88; P-16425/88; A-856)
790.3910	am	(P-3015) (E-3108)
790.3945	am	(P-16425/88; A-856)
790.4012	am	(P-16425/88; A-856) (P-3015)
790.4040	am	(P-16425/88; A-856) (P-3015)
790.4060	am	(P-16425/88; A-856)
790.4100	am	(P-12991/88; P-16425/88; A-856)



TABLE 77. (CONT'D)		
790.4220	am	(P-16425/88; A-856) (P-3015) (E-3108)
790.4300	am	(P-12991/88; P-16425/88; A-856) (P-12991/88; P-16425/88; A-856)
790.4396	am	(P-12991/88; P-16425/88; A-856) (P-3015) (E-3108)
790.4398	am	(P-16425/88; A-856) (P-16425/88; A-856)
790.4430	am	(P-16425/88; A-856) (P-16425/88; A-856)
790.4460	am	(P-16425/88; A-856) (P-3015) (E-3108)
790.4540	am	(P-16425/88; A-856) (P-16425/88; A-856)
790.4580	am	(P-16425/88; A-856) (P-16425/88; A-856)
790.4620	am	(P-16425/88; A-856) (P-16425/88; A-856)
790.4660	am	(P-16425/88; A-856) (P-3015) (E-3108)
790.4670	am	(P-12991/88; A-856) (P-3015) (E-3108)
790.4680	am	(P-12991/88; A-856) (P-12991/88; P-16425/88; A-856)
790.4720	am	(P-12991/88; P-16425/88; A-856) (P-12991/88; P-16425/88; A-856)
790.4740	am	(P-12991/88; P-16425/88; A-856) (P-3015) (E-3108)
790.4820	am	(P-16425/88; A-856) (P-16425/88; A-856)
790.4960	n	(P-16425/88; A-856) (P-16425/88; A-856)
790.5060	am	(P-16425/88; A-856) (P-12991/88; P-16425/88; A-856)
790.5140	am	(P-12991/88; P-16425/88; A-856) (P-3015) (E-3108)
790.5180	am	(P-16425/88; A-856) (P-12991/88; A-856)
790.5220	am	(P-12991/88; A-856) (P-3015) (E-3108)
790.5300	am	(P-16425/88; A-856) (P-12991/88; A-856)
790.5312	am	(P-12991/88; A-856) (P-3015) (E-3108)
790.5420	am	(P-16425/88; A-856) (P-3015) (E-3108)
790.5483	am	(P-12991/88; P-16425/88; A-856) (P-3015) (E-3108)
790.5520	n	(P-16425/88; A-856) (P-16425/88; A-856)
790.5530	am	(P-16425/88; A-856) (P-16425/88; A-856)
790.5540	am	(P-16425/88; A-856) (P-3015) (E-3108)
790.5544	am	(P-12991/88; P-16425/88; A-856) (P-3015) (E-3108)
790.5560	n	(P-16425/88; A-856) (P-12991/88; P-16425/88; A-856)
790.5620	am	(P-12991/88; P-16425/88; A-856) (P-3015) (E-3108)
790.5640	n	(P-12991/88; A-856) (P-3015) (E-3108)
790.5660	am	(P-12991/88; A-856) (P-3015) (E-3108)
790.5780	am	(P-3015) (E-3108) (P-12991/88; P-16425/88; A-856)
790.5792	am	(P-12991/88; P-16425/88; A-856) (P-16425/88; A-856)
790.5795	n	(P-16425/88; A-856) (P-16425/88; A-856)
790.5807	am	(P-16425/88; A-856) (P-3015) (E-3108)
790.5820	am	(P-12991/88; P-16425/88; A-856) (P-12991/88; P-16425/88; A-856)
790.5830	am	(P-12991/88; P-16425/88; A-856) (P-12991/88; A-856)
790.5847	n	(P-16425/88; A-856) (P-16425/88; A-856)
790.5872	am	(P-16425/88; A-856) (P-16425/88; A-856)
790.5893	am	(P-16425/88; A-856) (P-16425/88; A-856)
790.5900	am	(P-16425/88; A-856) (P-16425/88; A-856)

TITLE 77 (CONT'D)					
790.5924	am	(P-1299/88; A-856) (P-3015) (E-3108)			
790.5940	am	(P-1299/88; P-16425/88; A-856) (P-3015) (E-3108)			
790.5980	am	(P-16425/88; A-856) (P-3015) (E-3108)			
790.5992	am	(P-16425/88; A-856) (P-3015) (E-3108)			
790.6140	am	(P-16425/88; A-856) (P-3015) (E-3108)			
790.6180	am	(P-16425/88; A-856) (P-3015) (E-3108)			
790.6260	am	(P-16425/88; A-856) (P-3015) (E-3108)			
790.6275	am	(P-1299/88; P-16425/88; A-856) (P-3015) (E-3108)			
790.6280	am	(P-16425/88; A-856) (P-3015) (E-3108)			
790.6284	am	(P-16425/88; A-856) (P-3015) (E-3108)			
790.6370	am	(P-1299/88; A-856) (P-3015) (E-3108)			
790.6375	n	(P-16425/88; A-856) (P-3015) (E-3108)			
790.6445	am	(P-16425/88; A-856) (P-3015) (E-3108)			
790.6450	am	(P-16425/88; A-856) (P-3015) (E-3108)			
790.6452	am	(P-16425/88; A-856) (P-3015) (E-3108)			
790.6454	n	(P-16425/88; A-856) (P-3015) (E-3108)			
790.6456	am	(P-1299/88; P-16425/88; A-856) (P-3015) (E-3108)			
790.6540	am	(P-16425/88; A-856) (P-3015) (E-3108)			
790.6580	am	(P-16425/88; A-856) (P-3015) (E-3108)			
790.6621	n	(P-16425/88; A-856) (P-3015) (E-3108)			
790.6740	am	(P-16425/88; A-856) (P-3015) (E-3108)			
790.6740	am	(P-16425/88; A-856) (P-3015) (E-3108)			
790.6780	am	(P-1299/88; P-16425/88; A-856) (P-3015) (E-3108)			
790.6860	am	(P-3015) (E-3108)			
790.6875	am	(P-1299/88; A-856) (P-3015) (E-3108)			
790.6885	am	(P-3015) (E-3108)			
790.6895	n	(P-3015) (E-3108)			
790.6946	am	(P-16425/88; A-856) (P-3015) (E-3108)			
790.6960	n	(P-1299/88; P-16425/88; A-856) (P-3015) (E-3108)			
790.6980	am	(P-16425/88; A-856) (P-3015) (E-3108)			
790.7020	am	(P-16425/88; A-856) (P-3015) (E-3108)			
790.7140	am	(P-16425/88; A-856) (P-3015) (E-3108)			
790.7180	am	(P-16425/88; A-856) (P-3015) (E-3108)			
790.7181	am	(P-16425/88; A-856) (P-3015) (E-3108)			
790.7223	am	(P-3015) (E-3108)			
790.7260	am	(P-16425/88; A-856) (P-3015) (E-3108)			
790.7265	am	(P-16425/88; A-856) (P-3015) (E-3108)			
790.7280	am	(P-16425/88; A-856) (P-3015) (E-3108)			
790.7288	n	(P-16425/88; A-856) (P-3015) (E-3108)			
790.7288	am	(P-3015) (E-3108)			
790.7400	am	(P-1299/88; A-856) (P-3015) (E-3108)			
790.7500	am	(P-3015) (E-3108)			
790.7540	am	(P-1299/88; P-16425/88; A-856) (P-3015) (E-3108)			

TITLE 77 (CONT'D)		
790.7700	am	(P-16425/88; A-856) (P-3015) (E-3108)
790.7820	am	(P-3015) (E-3108)
790.7828	am	(P-1299/88; P-16425/88; A-856) (P-3015) (E-3108)
790.8020	am	(P-3015) (E-3108)
790.8140	am	(P-3015) (E-3108)
790.8248	r	(P-3015) (E-3108)
790.8260	am	(P-3015) (E-3108)
790.8378	am	(P-16425/88; A-856)
790.8380	am	(P-16425/88; A-856)
790.8420	am	(P-3015) (E-3108)
790.8580	am	(P-16425/88; A-856) (P-3015) (E-3108)
790.8700	am	(P-16425/88; A-856) (P-3015) (E-3108)
790.8724	am	(P-3015) (E-3108)
790.8740	am	(P-3015) (E-3108)
790.8900	am	(P-16425/88; A-856) (P-3015) (E-3108)
790.8940	am	(P-16425/88; A-856) (P-3015) (E-3108)
790.9020	am	(P-1299/88; A-856) (P-3015) (E-3108)
790.9060	am	(P-1299/88; P-16425/88; A-856) (P-3015) (E-3108)
790.9084	am	(P-1299/88; A-856) (P-3015) (E-3108)
790.9100	am	(P-3015) (E-3108)
790.9140	am	(P-1299/88; A-856) (P-3015) (E-3108)
790.9220	am	(P-3015) (E-3108)
790.9320	am	(P-3015) (E-3108)
790.9380	am	(P-3015) (E-3108)
790.9475	am	(P-3015) (E-3108)
790.9486	am	(P-1299/88; P-16425/88; A-856) (P-3015) (E-3108)
790.9500	am	(P-1299/88; P-16425/88; A-856)
790.9530	am	(P-1299/88; P-16425/88; A-856)
830.10	am	(P-3325/88; A-2090)
830.20	n	(P-3325/88; A-2090)
830.100	am	(P-3325/88; A-2090)
830.110	am	(P-3325/88; A-2090)
830.120	am	(P-3325/88; A-2090)
830.130	am	(P-3325/88; A-2090)
830.140	am	(P-3325/88; A-2090)
830.150	r	(P-3325/88; A-2090)
830.160	r	(P-3325/88; A-2090)
830.170	r	(P-3325/88; A-2090)
830.180	am	(P-3325/88; A-2090)
830.190	am	(P-3325/88; A-2090)
830.200	am	(P-3325/88; A-2090)
830.210	n	(P-3325/88; A-2090)
830.220	n	(P-3325/88; A-2090)
830.230	n	(P-3325/88; A-2090)
830.240	n	(P-3325/88; A-2090)

TABLE 77. CONT'D.		
830.250	am	(P-3325/88; A-2090)
830.260	am	(P-3325/88; A-2090)
830.270	am	(P-3325/88; A-2090)
830.280	r	(P-3325/88; A-2090)
830.290	n	(P-3325/88; A-2090)
830.300	n	(P-3325/88; A-2090)
830.310	n	(P-3325/88; A-2090)
830.315	r	(P-3325/88; A-2090)
830.400	am	(P-3325/88; A-2090)
830.410	am	(P-3325/88; A-2090)
830.420	r	(P-3325/88; A-2090)
830.430	am	(P-3325/88; A-2090)
830.440	am	(P-3325/88; A-2090)
830.450	am	(P-3325/88; A-2090)
830.460	am	(P-3325/88; A-2090)
830.500	am	(P-3325/88; A-2090)
830.510	r	(P-3325/88; A-2090)
830.520	am	(P-3325/88; A-2090)
830.530	am	(P-3325/88; A-2090)
830.540	am	(P-3325/88; A-2090)
830.560	r	(P-3325/88; A-2090)
830.570	r	(P-3325/88; A-2090)
830.610	r	(P-3325/88; A-2090)
830.620	am	(P-3325/88; A-2090)
830.630	am	(P-3325/88; A-2090)
830.640	am	(P-3325/88; A-2090)
830.650	am	(P-3325/88; A-2090)
830.660	am	(P-3325/88; A-2090)
830.670	r	(P-3325/88; A-2090)
830.700	am	(P-3325/88; A-2090)
830.800	n	(P-3325/88; A-2090)
830.820	am	(P-3325/88; A-2090)
830.830	n	(P-3325/88; A-2090)
830.840	n	(P-3325/88; A-2090)
830.850	n	(P-3325/88; A-2090)
830.860	n	(P-3325/88; A-2090)
830.870	n	(P-3325/88; A-2090)
830.11.A	n	(P-3325/88; A-2090)
855.10	am	(P-6564/88; A-2768)
855.20	am	(P-6564/88; A-2768)
855.50	am	(P-6564/88; A-2768)
855.55	n	(P-6564/88; A-2768)
855.60	am	(P-6564/88; A-2768)
855.70	am	(P-6564/88; A-2768)
855.80	am	(P-6564/88; A-2768)
855.130	am	(P-6564/88; A-2768)
855.140	am	(P-6564/88; A-2768)
855.180	am	(P-6564/88; A-2768)
855.220	am	(P-6564/88; A-2768)
855.240	am	(P-6564/88; A-2768)
855.260	am	(P-6564/88; A-2768)
855.270	am	(P-6564/88; A-2768)
855.280	n	(P-6564/88; A-2768)
855.285	am	(P-6564/88; A-2768)



TITLE 80 (CONT'D)		TITLE 80 (CONT'D)	
1125.20	am	(P-16375/88; A-1784)	
1125.30	am	(P-16375/88; A-1784)	
1125.40	am	(P-16375/88; A-1784)	
1125.50	r	(P-16375/88; A-1784)	
1125.60	am	(P-16375/88; A-1784)	
1125.70	am	(P-16375/88; A-1784)	
1125.80	am	(P-16375/88; A-1784)	
1125.90	r	(P-16375/88; A-1784)	
1125.100	n	(P-16375/88; A-1784)	
1570.40	am	(P-14122/88; O-22492/88; R-1626; A-1577)	
1570.60	r	(P-14122/88; O-22492/88; R-1626; A-1577)	
1570.70	am	(P-14122/88; O-22492/88; R-1626; A-1577)	
1570.80	am	(P-14122/88; O-22492/88; R-1626; A-1577)	
1570.90	am	(P-14122/88; O-22492/88; R-1626; A-1577)	
1570.100	am	(P-14122/88; O-22492/88; R-1626; A-1577)	
1570.110	r	(P-14122/88; O-22492/88; R-1626; A-1577)	
1570.150	r	(P-14122/88; O-22492/88; R-1626; A-1577)	
1570.160	am	(P-14122/88; O-22492/88; R-1626; A-1577)	
2110.30	am	(P-1) (E-214)	
2110.320	am	(P-1) (E-214)	
2110.330	am	(P-1) (E-214)	
2110.510	am	(P-1) (E-214)	
2110.530	am	(P-1) (E-214)	
2150.1	n	(P-10285/88; A-2402)	
2150.2	n	(P-10285/88; A-2402)	
2150.5	n	(P-10285/88; A-2402)	
2650.1	n	(P-6871/88; O-1256; R-3411; A-3330)	
2650.5	n	(P-6871/88; O-1256; R-3411; A-3330)	
2650.10	n	(P-6871/88; O-1256; R-3411; A-3330)	
2650.15	n	(P-6871/88; O-1256; R-3411; A-3330)	
2650.20	n	(P-6871/88; O-1256; R-3411; A-3330)	
2650.25	n	(P-6871/88; O-1256; R-3411; A-3330)	
2650.30	n	(P-6871/88; O-1256; R-3411; A-3330)	
2700.200	am	(P-253) (E-629)	
2700.440	am	(P-253) (E-629)	
2700.620	am	(P-253) (E-629)	
2700.630	am	(P-253) (E-629)	
2700.650	am	(P-253) (E-629)	
2700.700	am	(P-253) (E-629)	
2700.710	am	(P-253) (E-629)	
2700.720	am	(P-253) (E-629)	

TITLE 77 (CONT'D)		TITLE 80 (CONT'D)	
855.290	am (P-6564/88; A-2768)	302.860	r (P-15813/88; A-3722)
855.300	am (P-6564/88; A-2768)	302.860	n (P-15813/88; A-3722)
855.330	n (P-6564/88; A-2768)	302.863	r (P-15813/88; A-3722)
855.340	n (P-6564/88; A-2768)	302.863	n (P-15813/88; A-3722)
855.345	n (P-6564/88; A-2768)	310.30	am (P-1296)
855.350	n (P-6564/88; A-2768)	310.230	am (P-1296)
855.355	n (P-6564/88; A-2768)	310.280	am (P-1296)
855.360	n (P-6564/88; A-2768)	310.290	am (P-1296)
855.Ap. A	am (P-6564/88; A-2768)	310.320	am (P-1296)
II. B	am (P-6564/88; A-2768)	310.Ap. A	am (P-20584/88; RC-1254)
855.Ap. B	am (P-6564/88; A-2768)	310.Tb. F	am (P-2892)
II. A	n (P-6564/88; A-2768)	Tb. P	am (P-20584/88; RC-1254)
II. B	n (P-6564/88; A-2768)	1100.10	am (P-1327)
II. C	n (P-6564/88; A-2768)	1100.20	am (P-1327)
II. D	n (P-6564/88; A-2768)	1100.30	am (P-1327)
II. E	n (P-6564/88; A-2768)	1100.40	am (P-1327)
II. F	n (P-6564/88; A-2768)	1100.50	am (P-1327)
II. G	n (P-6564/88; A-2768)	1100.70	am (P-1327)
II. H	n (P-6564/88; A-2768)	1100.80	am (P-1327)
II. I	n (P-6564/88; A-2768)	1100.90	n (P-1327)
855.Ap. C	n (P-6564/88; A-2768)	1100.100	n (P-1327)
II. A	n (P-6564/88; A-2768)	1105.10	am (P-1335)
II. B	n (P-6564/88; A-2768)	1105.20	am (P-1335)
II. C	n (P-6564/88; A-2768)	1105.30	am (P-1335)
II. D	n (P-6564/88; A-2768)	1105.40	am (P-1335)
II. E	n (P-6564/88; A-2768)	1105.50	am (P-1335)
II. F	n (P-6564/88; A-2768)	1105.80	am (P-1335)
2510.50	am (P-1369/88; A-334)	1105.100	am (P-1335)
		1105.110	am (P-1335)
		1105.120	am (P-1335)
		1105.130	r (P-1335)
		1105.140	am (P-1335)
		1105.150	am (P-1335)
		1105.160	am (P-1335)
		1105.170	am (P-1335)
		1105.220	am (P-1335)
		1110.40	am (P-1355)
		1110.50	am (P-1355)
		1110.60	am (P-1355)
		1110.70	r (P-1355)
		1110.70	n (P-1355)
		1110.80	am (P-1355)
		1110.90	am (P-1355)
		1110.100	am (P-1355)
		1110.110	am (P-1355)
		1110.140	am (P-1355)
		1110.150	am (P-1355)
		1110.160	am (P-1355)
		1110.170	am (P-1355)
		1110.180	n (P-1355)
		1120.20	am (P-1379)
		1120.30	am (P-1379)
		1120.40	am (P-1379)
		1120.50	am (P-1379)
		1120.70	n (P-1379)
		1125.10	n (P-16375/88; A-784)



ILLINOIS REGISTER  
SECTIONS AFFECTED INDEX

VOL. 13, THRU ISSUE #13

THRU MARCH 31, 1989

TITLE 86 (CONT'D)

151.110	n	(P-1498)	101.1	n	(P-20694/88; A-3897)
151.115	n	(P-1498)	102.1	n	(P-20743/88; A-3940)
432.100	n	(P-1502/88; A-191)	103.1	n	(P-20757/88; A-3954)
432.110	n	(P-1502/88; A-191)	103.20	am	(P-17667/88; A-2496)
432.120	n	(P-1502/88; A-191)	104.202	am	(P-2058)
432.130	n	(P-1502/88; A-191)	104.208	am	(P-2058)
432.140	n	(P-1502/88; A-191)	104.210	am	(P-2058)
432.150	n	(P-1502/88; A-191)	104.212	am	(P-2058)
432.160	n	(P-1502/88; A-191)	104.221	am	(P-2058)
432.170	n	(P-1502/88; A-191)	104.230	am	(P-2058)
432.180	n	(P-1502/88; A-191)	104.231	am	(P-2058)
432.190	n	(P-1502/88; A-191)	104.235	am	(P-2058)
432.200	n	(P-1502/88; A-191)	104.243	am	(P-2058)
530.165	am	(P-11104/88; A-1589)	104.244	am	(P-2058)
600.101	n	(P-1448)	104.247	am	(P-2058)
600.105	n	(P-1448)	104.257	n	(P-2058)
600.110	n	(P-1448)	104.260	am	(P-2058)
600.115	n	(P-1448)	104.270	am	(P-2058)
600.120	n	(P-1448)	104.274	am	(P-2058)
600.125	n	(P-1448)	104.280	am	(P-2058)
600.130	n	(P-1448)	104.285	am	(P-2058)
600.135	n	(P-1448)	104.290	am	(P-2058)
620.101	n	(P-1460)	104.800	am	(P-20747/88; A-3944)
610.105	n	(P-1460)	110.1	n	(P-20670/88; A-3836)
610.110	n	(P-1460)	110.10	n	(P-20931)
610.115	n	(P-1460)	111.1	n	(P-20674/88; A-3840)
610.120	n	(P-1460)	111.101	am	(P-15920/88; A-85)
610.125	n	(P-1460)	112.40	am	(P-1948)
610.130	n	(P-1460)	112.98	am	(P-2236)
610.135	n	(P-1460)	112.252	am	(P-15905/88; A-70)
620.101	n	(P-1468)	112.253	am	(P-15905/88; A-70)
620.105	n	(P-1468)	112.254	am	(P-15905/88; A-70)
620.110	n	(P-1468)	112.318	am	(P-4116)
620.115	n	(P-1468)	113.142	am	(P-15898/88; A-63)
620.120	n	(P-1468)	113.253	am	(E-3402)
630.101	n	(P-1473)	113.260	am	(E-3402)
630.105	n	(P-1473)	114.5	am	(P-20967/88; A-3900)
630.110	n	(P-1473)	114.127	am	(P-14996/88; A-89) (P-1959)
630.115	n	(P-1473)	114.128	am	(P-17621/88; A-1546)
630.120	n	(P-1473)	114.351	am	(P-15924/88; A-89)
630.125	n	(P-1473)	114.352	am	(P-15924/88; A-89)
630.130	n	(P-1473)	114.353	am	(P-15924/88; A-89)
630.135	n	(P-1473)	115.1	am	(P-20735/88; A-3932)
640.101	n	(P-1485)	115.10	am	(P-2702)
640.105	n	(P-1485)	115.30	am	(P-2702)
640.110	n	(P-1485)	116.10	n	(P-20683/88; A-3847)
640.115	n	(P-1485)	117.1	n	(P-20739/88; A-3936)
640.120	n	(P-1485)	118.300	n	(P-20753/88; A-3950)
640.125	n	(P-1485)	120.1	n	(P-20705/88; A-3908)
640.130	n	(P-1485)	120.40	am	(P-17633/88; A-2081)
640.135	n	(P-1485)	120.70	am	(P-3281)
650.101	n	(P-1493)	120.72	n	(P-3281)
650.105	n	(P-1493)	120.74	n	(P-3281)
650.110	n	(P-1493)	120.76	n	(P-3281)
650.115	n	(P-1493)	120.382	am	(P-15938/88; A-116) (P-3281)
650.120	n	(P-1493)	121.58	am	(P-3541)

SAI - 17

ILLINOIS REGISTER  
SECTIONS AFFECTED INDEX

VOL. 13, THRU ISSUE #13

THRU MARCH 31, 1989

TITLE 89 (CONT'D)

121.62	am	(P-3541)	141.3600	am	(P-20370/88; A-3850)
121.135	n	(P-20686/88; A-3890)	141.3760	am	(P-15483/88; A-516)
130.500	n	(P-20649/88; A-3831)	141.3800	am	(P-15483/88; A-516)
140.16	am	(P-2937)			(A-3850)
140.17	am	(P-2937)	141.3840	am	(P-15483/88; A-516)
140.19	am	(P-12976/88; A-3917)	141.3920	am	(P-20370/88; A-3850)
140.21	n	(P-3295)	141.4000	am	(P-15483/88; A-516)
140.100	am	(P-16421/88; O-1259; M-3195; A-3069)	141.4040	am	(P-15483/88; A-516)
140.350	am	(P-5958/88; A-3351)	141.4160	am	(P-15483/88; A-516)
140.362	am	(P-5958/88; A-3351)	141.4200	am	(P-20370/88; A-3850)
140.363	am	(P-5958/88; A-3351)	141.4230	n	(P-20370/88; A-3850)
140.364	r	(P-5958/88; A-3351)	141.4440	am	(P-15483/88; A-516)
140.364	n	(P-5958/88; A-3351)	141.4520	am	(P-15483/88; A-516)
140.367	am	(P-5958/88; A-3351)	141.4720	am	(P-15483/88; A-516)
140.369	am	(P-5958/88; A-3351)	141.4760	am	(P-15483/88; A-516)
140.370	am	(P-5958/88; A-3351)	141.4800	am	(P-20370/88; A-3850)
140.372	am	(P-5958/88; A-3351)	147.25	am	(P-3562)
140.373	r	(P-5958/88; A-3351)	147.50	am	(P-3562)
140.376	r	(P-5958/88; A-3351)	147.75	am	(P-10627/88; A-559)
140.400	am	(P-17172/88; A-2475)	147.100	am	(P-10627/88; A-559)
140.441	am	(P-17172/88; A-2475)	147.Tb. A	am	(P-10627/88; O-20231/88; R-667; A-559)
140.443	am	(P-17172/88; A-2475)	147.Tb. B	am	(P-10627/88; O-20231/88 R-667; A-559)
140.445	am	(P-17172/88; O-1263; R-2538; A-2475)	149.100	am	(P-3553)
140.447	am	(P-17172/88; A-2475)	149.105	am	(P-13917/88; A-554)
140.512	am	(P-11995/88; A-125)	160.1	n	(P-21039/88; A-4268)
140.526	am	(P-1420)	160.5	n	(P-1396)
141.200	am	(P-20370/88; A-3850)	160.10	am	(P-1396)
141.400	am	(P-15483/88; A-516)	160.70	am	(P-20677/88; A-4268)
141.480	am	(P-15483/88; A-516)	160.100	n	(P-1396)
141.560	am	(P-15483/88; A-516) (P-20370/88; A-3850)	160.110	n	(P-1396)
141.720	am	(P-20370/88; A-3850)	160.120	n	(P-1396)
141.800	am	(P-15483/88; A-516)	160.130	n	(P-1396)
141.1160	am	(P-15483/88; A-516)	160.140	n	(P-1396)
141.1240	am	(P-15483/88; A-516)	160.150	n	(P-1396)
141.1280	am	(P-15483/88; A-516) (P-20370/88; A-3850)	160.160	n	(P-1396)
141.1480	am	(P-15483/88; A-516)	165.1	n	(P-20679/88; A-3843)
141.1520	am	(P-15483/88; A-516)	230.360	am	(P-14777/88; A-2015)
141.1680	am	(P-15483/88; A-516) (P-20370/88; A-3850)	230.362	am	(P-14777/88; A-2015)
141.1760	am	(P-15483/88; A-516)	230.365	am	(P-14777/88; A-2015)
141.2280	am	(P-15483/88; A-516)	230.520	n	(P-12137/88; A-3054)
141.2260	am	(P-15483/88; A-516)	230.530	n	(P-12137/88; A-3054)
141.2400	am	(P-15483/88; A-516)	230.540	n	(P-12137/88; A-3054)
141.2600	am	(P-20370/88; A-3850)	230.550	n	(P-12137/88; A-3054)
141.2760	am	(P-15483/88; A-516) (P-20370/88; A-3850)	230.560	n	(P-12137/88; A-3054)
141.2920	am	(P-20370/88; A-3850)	230.570	n	(P-12137/88; A-3054)
141.2960	am	(P-15483/88; A-516) (P-20370/88; A-3850)	230.580	n	(P-12137/88; A-3054)
141.3280	am	(P-20370/88; A-3850)	240.1400	am	(P-685)
141.3440	am	(P-15483/88; A-516)	240.1410	am	(P-685)
141.3480	am	(P-15483/88; A-516)	240.1430	n	(P-685)
			240.1440	n	(P-685)
			240.1450	n	(P-685)
			240.1700	n	(P-685)

SAI - 18



TITLE 89 (CONT'D)		TITLE 89 (CONT'D)		TITLE 92 (CONT'D)		TITLE 92 (CONT'D)	
240.1705	n (P-685)	510.130	r (P-3020)	895.30	n (P-3310)	451. Ap.G	n (P-16536/88; W-2882)
240.1710	n (P-685)	510.140	r (P-3020)	895.40	n (P-3310)	451. ILA	n (P-16536/88; W-2882)
240.1715	n (P-685)	510.210	r (P-3020)	895.50	n (P-3310)	451. ILB	n (P-16536/88; W-2882)
240.1718	n (P-685)	510.220	r (P-3020)	895.60	n (P-3310)	452.10	r (P-16447/88; W-2881)
240.1720	n (P-685)	510.230	r (P-3020)	895.70	n (P-3310)	452.20	r (P-16447/88; W-2881)
240.1722	n (P-685)	510.240	r (P-3020)			452.30	r (P-16447/88; W-2881)
240.1725	n (P-685)	510.250	r (P-3020)			452.10	r (P-16447/88; W-2881)
240.1730	n (P-685)	510.260	r (P-3020)			452.40	r (P-16447/88; W-2881)
240.1735	n (P-685)	510.270	r (P-3020)	10.40	am	452.50	r (P-16447/88; W-2881)
240.1737	n (P-685)	510.280	r (P-3020)	10.50	am	452.60	r (P-16447/88; W-2881)
240.1738	n (P-685)	510.290	r (P-3020)	10.60	am	452.70	r (P-16447/88; W-2881)
240.1739	n (P-685)	510.300	r (P-3020)	10.70	am	452.80	r (P-16447/88; W-2881)
240.1960	am (P-11953/88; A-2419)	510.310	r (P-3020)	10.80	am	452.90	r (P-16447/88; W-2881)
300.30	am (P-11953/88; A-2419)	510.320	r (P-3020)	96.10	n	452.100	r (P-16447/88; W-2881)
300.90	am (P-11953/88; A-2419)	510.410	r (P-3020)	96.20	n	452.110	r (P-16447/88; W-2881)
300.100	am (P-11953/88; A-2419)	510.420	r (P-3020)	96.30	n	452.120	r (P-16447/88; W-2881)
300.110	am (P-11953/88; O-22472/88; R-2535; A-2419)	530.5	n (P-3565/88; A-141)	96.40	n	452.130	r (P-16447/88; W-2881)
300.130	am (P-11953/88; A-2419)	530.10	r (P-3565/88; A-141)	96.50	n	452.140	r (P-16447/88; W-2881)
300.140	am (P-11953/88; A-2419)	530.20	r (P-3565/88; A-141)	96.60	n	452.150	r (P-16447/88; W-2881)
310.12	am (P-11953/88; O-3412; RC-3414)	530.100	r (P-3565/88; A-141)	96.70	n	452.160	r (P-16447/88; W-2881)
357.2	am (P-13807/88; A-3344)	530.105	r (P-3565/88; A-141)	96.80	n	452.170	r (P-16447/88; W-2881)
357.3	am (P-13807/88; A-3344)	530.110	am (P-3565/88; A-141)	96.90	n	452.180	r (P-16447/88; W-2881)
357.11	am (P-13807/88; A-3344)	530.120	r (P-3565/88; A-141)	96.100	n	452.190	r (P-16447/88; W-2881)
431.5	am (P-11922/88; O-22457/88; R-2532; A-2407)	530.130	am (P-3565/88; A-141)	96.110	n	452.200	r (P-16447/88; W-2881)
431.6	am (P-11922/88; A-2407)	530.140	am (P-3565/88; A-141)	96.120	n	452.210	am (P-15952/88; A-1866)
431.7	am (P-11922/88; A-2407)	530.240	n (P-3565/88; A-141)	171.4	n	534.20	am (P-2760)
431.11	n (P-11922/88; O-22457/88; R-2532; A-2407)	530.260	n (P-3565/88; A-141)	171.21	n	534.210	am (P-1111)
431.12	# (P-13752/88; A-3339)	552.40	am (P-277)	171.1000	am	545.200	n (P-1111)
437.4	am (P-13752/88; A-3339)	552.100	am (P-52; W-4309)	172.2000	am	545.300	n (P-1111)
437.8	# (P-13752/88; A-3339)	562.30	am (P-4685/88; A-2866)	173.3000	am	545.400	n (P-1111)
437.9	# (P-13752/88; A-3339)	567.10	am (P-281)	177.2000	am	708.80	am (P-1503)
437.9	# (P-13752/88; A-3339)	587.50	am (P-2192/88; A-1850)	178.2000	am	708.90	am (P-1503)
437.9	# (P-13752/88; A-3339)	587.110	am (P-2192/88; A-1850)	448. Ap. A	am (P-1127)	1000.10	am (P-3316)
510.10	n (P-3036)	587.130	n (P-2192/88; A-1850)	Ex. A	am	1000.20	am (P-3316)
510.10	r (P-3020)	587.500	am (P-2192/88; A-1850)	451.10	n	1000.50	am (P-3316)
510.20	n (P-3036)	592.45	n (P-2092/88; A-1573)	451.20	n	1000.60	am (P-3316)
510.20	n (P-3036)	597.20	am (P-2197/88; A-1568)	451.30	n	1000.70	n (P-3316)
510.20	r (P-3020)	597.150	n (P-2197/88; A-1568)	451.40	n	1000.80	am (P-3316)
510.30	n (P-3036)	607.60	am (P-56 (E-225; O-3478))	451.50	n	1000.120	am (P-3316)
510.30	r (P-3020)	700.200	am (P-10409/88; A-3101)	451.60	n	1003.40	am (P-20019/88; O-3454; RC-3458)
510.40	r (P-3020)	700.300	am (P-10409/88; A-3101)	451.70	n	1010.240	am (P-1103)
510.40	r (P-3020)	714.10	am (P-4152)	451.80	n	1010.440	n (P-16432/88; A-1598)
510.50	n (P-3036)	714.20	am (P-4152)	451.90	n	1030.11	n (P-3611)
510.50	n (P-3036)	714.30	am (P-4152)	451.100	n	1030.85	am (P-2395)
510.50	r (P-3020)	714.40	n (P-4152)	451.110	n	1030.88	am (P-2753)
510.60	n (P-3036)	843.10	am (P-15015/88; A-4298)	451.120	n	1030.94	am (P-3324)
510.70	r (P-3020)	843.50	am (P-15015/88; A-4298)	451.130	n	1030. Ap. A	n (P-3324)
510.80	n (P-3036)	843.60	am (P-15015/88; A-4298)	451. Ap. A	n	1040.66	n (P-15947/88; A-1593)
510.90	n (P-3036)	843.70	am (P-15015/88; A-4298)	451. Ap. B	n	1205.10	am (P-1665)
510.90	n (P-3036)	843.150	am (P-15015/88; A-4298)	451. Ap. C	n	1206.20	am (P-1671)
510.110	n (P-3036)	843.160	am (P-15015/88; A-4298)	451. Ap. D	n	1225.45	am (P-1676)
510.120	r (P-3020)	895.10	n (P-3310)	451. Ap. E	n	1710.160	am (P-10)
		895.20	n (P-3310)	451. Ap. F	n		



This part of the Sections Affected Index lists only those Sections on which rulemaking is occurring in this issue of the Illinois Register. For previous action on these Sections in this volume of the Register, please refer to the first part of this index which begins on page SAI-1.

**TITLE 11**

502.40 am (A-4931)

**TITLE 14**

177.10 n (A-4937)  
177.20 n (A-4937)  
177.30 n (A-4937)  
177.11. A n (A-4937)  
177.11. B n (A-4937)

**TITLE 17**

230.10 n (P-4430)  
230.20 n (P-4430)  
230.30 n (P-4430)  
230.40 n (P-4430)  
230.50 n (P-4430)  
530.20 am (P-4399)  
530.70 am (P-4399)  
530.80 am (P-4399)  
530.90 am (P-4399)  
530.100 am (P-4399)  
530.105 am (P-4399)  
530.110 am (P-4399)  
530.20 am (P-4442)  
650.20 am (P-4442)  
650.21 am (P-4442)  
650.22 am (P-4442)  
650.40 am (P-4442)  
650.50 am (P-4442)  
650.60 am (P-4442)  
720.10 am (P-4435)  
720.20 am (P-4435)  
720.40 am (P-4435)  
740.10 am (P-4458)  
740.20 am (P-4458)  
2030.20 am (P-4417)  
2030.30 am (P-4417)  
2030.40 am (P-4417)  
2030.50 am (P-4417)  
2030.60 n (P-4417)

**TITLE 23**

1501.517 n (P-4394)  
3300.10 n (R-4957; A-4672)  
3300.20 n (R-4957; A-4672)  
3300.30 n (R-4957; A-4672)  
3300.40 n (R-4957; A-4672)  
3300.50 n (R-4957; A-4672)  
3300.60 n (R-4957; A-4672)  
3300.70 n (R-4957; A-4672)  
3300.80 n (R-4957; A-4672)

**TITLE 47**

100.110 am (P-4358)

**TITLE 77 (CONT'D)**

200.804 r (A-4681)  
200.805 r (A-4681)  
200.806 r (A-4681)  
200.807 r (A-4681)  
200.808 r (A-4681)  
200.809 r (A-4681)  
200.810 r (A-4681)  
200.811 r (A-4681)  
200.812 r (A-4681)  
200.813 r (A-4681)  
200.814 r (A-4681)  
200.815 r (A-4681)  
200.816 r (A-4681)  
200.817 r (A-4681)  
200.818 r (A-4681)  
200.819 r (A-4681)  
200.820 r (A-4681)  
200.821 r (A-4681)  
200.822 r (A-4681)  
200.823 r (A-4681)  
200.824 r (A-4681)  
200.825 r (A-4681)  
200.826 r (A-4681)  
200.901 r (A-4681)  
200.902 r (A-4681)  
200.903 r (A-4681)  
200.904 r (A-4681)  
200.905 r (A-4681)  
200.906 r (A-4681)  
200.907 r (A-4681)  
200.908 r (A-4681)  
200.909 r (A-4681)  
200.910 r (A-4681)  
200.911 r (A-4681)  
200.912 r (A-4681)  
200.913 r (A-4681)  
200.914 r (A-4681)  
200.915 r (A-4681)  
200.916 r (A-4681)  
200.917 r (A-4681)  
200.918 r (A-4681)  
200.919 r (A-4681)  
200.920 r (A-4681)  
200.921 r (A-4681)  
200.922 r (A-4681)  
200.923 r (A-4681)  
200.924 r (A-4681)  
200.925 r (A-4681)  
200.926 r (A-4681)  
200.927 r (A-4681)  
200.928 r (A-4681)  
200.929 r (A-4681)  
200.930 r (A-4681)  
200.931 r (A-4681)  
200.932 r (A-4681)  
200.933 r (A-4681)

**TITLE 77 (CONT'D)**

200.1001 r (A-4681)  
200.1002 r (A-4681)  
200.1003 r (A-4681)  
200.1004 r (A-4681)  
200.1005 r (A-4681)  
200.1006 r (A-4681)  
200.1007 r (A-4681)  
200.1008 r (A-4681)  
300.110 am (A-4684)  
300.120 am (A-4684)  
300.130 am (A-4684)  
300.140 am (A-4684)  
300.150 am (A-4684)  
300.160 am (A-4684)  
300.165 am (A-4684)  
300.170 am (A-4684)  
300.175 am (A-4684)  
300.180 am (A-4684)  
300.190 am (A-4684)  
300.200 am (A-4684)  
300.210 am (A-4684)  
300.220 am (A-4684)  
300.230 am (A-4684)  
300.240 am (A-4684)  
300.250 am (A-4684)  
300.260 am (A-4684)  
300.270 am (A-4684)  
300.272 am (A-4684)  
300.274 am (A-4684)  
300.276 am (A-4684)  
300.277 n (A-4684)  
300.278 am (A-4684)  
300.280 am (A-4684)  
300.282 am (A-4684)  
300.284 am (A-4684)  
300.286 am (A-4684)  
300.288 am (A-4684)  
300.290 am (A-4684)  
300.300 am (A-4684)  
300.310 am (A-4684)  
300.320 am (A-4684)  
300.330 am (A-4684)  
300.340 am (A-4684)  
300.510 am (A-4684)  
300.610 am (A-4684)  
300.620 am (A-4684)  
300.630 am (A-4684)  
300.640 am (A-4684)  
300.650 am (A-4684)  
300.655 n (A-4684)  
300.670 am (A-4684)  
300.680 am (A-4684)  
300.690 am (A-4684)  
300.810 am (A-4684)  
300.820 am (A-4684)  
300.830 am (A-4684)



TITLE 77 (CONT'D)

300.840	am	(A-4684)
300.1010	am	(A-4684)
300.1025	n	(A-4684)
300.1040	am	(A-4684)
300.1050	am	(A-4684)
300.1210	am	(A-4684)
300.1220	am	(A-4684)
300.1230	am	(A-4684)
300.1240	am	(A-4684)
300.1410	am	(A-4684)
300.1420	am	(A-4684)
300.1430	am	(A-4684)
300.1610	am	(A-4684)
300.1620	am	(A-4684)
300.1630	am	(A-4684)
300.1640	am	(A-4684)
300.1650	am	(A-4684)
300.1810	am	(A-4684)
300.1820	am	(A-4684)
300.1830	am	(A-4684)
300.1840	am	(A-4684)
300.1850	am	(A-4684)
300.1860	am	(A-4684)
300.1870	am	(A-4684)
300.1880	am	(A-4684)
300.2010	am	(A-4684)
300.2020	am	(A-4684)
300.2030	am	(A-4684)
300.2040	am	(A-4684)
300.2050	am	(A-4684)
300.2060	am	(A-4684)
300.2070	am	(A-4684)
300.2080	am	(A-4684)
300.2090	am	(A-4684)
300.2100	am	(A-4684)
300.2110	am	(A-4684)
300.2210	am	(A-4684)
300.2220	am	(A-4684)
300.2230	am	(A-4684)
300.2410	am	(A-4684)
300.2420	am	(A-4684)
300.2430	am	(A-4684)
300.2610	am	(A-4684)
300.2620	am	(A-4684)
300.2630	am	(A-4684)
300.2640	am	(A-4684)
300.2810	am	(A-4684)
300.2820	am	(A-4684)
300.2830	am	(A-4684)
300.2840	am	(A-4684)
300.2850	am	(A-4684)
300.2860	am	(A-4684)
300.2870	am	(A-4684)
300.2880	am	(A-4684)
300.2890	am	(A-4684)
300.2900	am	(A-4684)

TITLE 77 (CONT'D)

300.2910	am	(A-4684)
300.2920	am	(A-4684)
300.2930	am	(A-4684)
300.2940	am	(A-4684)
300.3010	am	(A-4684)
300.3020	am	(A-4684)
300.3030	am	(A-4684)
300.3040	am	(A-4684)
300.3050	am	(A-4684)
300.3060	am	(A-4684)
300.3070	am	(A-4684)
300.3080	am	(A-4684)
300.3090	am	(A-4684)
300.3100	am	(A-4684)
300.3110	am	(A-4684)
300.3120	am	(A-4684)
300.3130	am	(A-4684)
300.3140	am	(A-4684)
300.3210	am	(A-4684)
300.3220	am	(A-4684)
300.3230	am	(A-4684)
300.3240	am	(A-4684)
300.3250	am	(A-4684)
300.3260	am	(A-4684)
300.3270	am	(A-4684)
300.3280	am	(A-4684)
300.3290	am	(A-4684)
300.3300	am	(A-4684)
300.3310	am	(A-4684)
300.3320	am	(A-4684)
300.3330	am	(A-4684)
300.3710	am	(A-4684)
535.10	am	(P-4500)
535.20	am	(P-4500)
535.900	n	(P-4500)
535.910	n	(P-4500)
535.920	n	(P-4500)
535.930	n	(P-4500)
535.931	n	(P-4500)
535.932	n	(P-4500)
535.933	n	(P-4500)
535.934	n	(P-4500)
535.935	n	(P-4500)
535.936	n	(P-4500)
535.940	n	(P-4500)
535.941	n	(P-4500)
535.942	n	(P-4500)
535.943	n	(P-4500)
535.950	n	(P-4500)
535.951	n	(P-4500)
535.952	n	(P-4500)
535.953	n	(P-4500)
540.10	am	(P-4616)
540.30	am	(P-4616)
540.40	am	(P-4616)
540.50	am	(P-4616)

TITLE 77 (CONT'D)

540.70	am	(P-4616)
540.80	am	(P-4616)
540.90	am	(P-4616)
540.160	am	(P-4616)
540.190	n	(P-4616)
890.120	am	(P-4543)
890.620	am	(P-4543)
890.630	am	(P-4543)
890.640	am	(P-4543)
890.730	am	(P-4543)
890.820	am	(P-4543)
890.830	am	(P-4543)
890.920	am	(P-4543)
890.1040	am	(P-4543)
890.1070	am	(P-4543)
890.1110	am	(P-4543)
890.1210	am	(P-4543)
890.1410	am	(P-4543)
890.1460	am	(P-4543)
890.1540	am	(P-4543)
890.1550	am	(P-4543)
890.1620	am	(P-4543)
890.1640	am	(P-4543)
890.1650	am	(P-4543)
890.1720	am	(P-4543)
890.1750	am	(P-4543)
890.2000	am	(P-4543)
890.2110	am	(P-4543)
890.3010	n	(P-4543)
890.3020	n	(P-4543)
890.3030	n	(P-4543)
890.3040	n	(P-4543)
890.3050	n	(P-4543)
890.3060	n	(P-4543)
890.3070	n	(P-4543)
890.3080	n	(P-4543)
890.3090	n	(P-4543)
890.4000	n	(P-4543)

TITLE 83

215.10	am	(A-4650)
215.30	am	(A-4650)
325.5	r	(A-4648)
325.10	r	(A-4648)
325.20	r	(A-4648)

TITLE 89

113.302	am	(P-4481)
130.301	am	(P-4469)
130.302	am	(P-4469)
130.310	am	(P-4469)
130.312	am	(P-4469)
130.313	am	(P-4469)
130.314	am	(P-4469)
130.321	am	(P-4469)
170.100	n	(P-4490)

TITLE 89 (CONT'D)

170.110	n	(P-4490)
170.120	n	(P-4490)
170.130	n	(P-4490)
170.200	n	(P-4490)
843.40	n	(P-4641)
1300.340	am	(A-4644)

TITLE 92

1019.5	n	(A-4944)
1019.10	n	(A-4944)
1019.20	n	(A-4944)
1019.30	n	(A-4944)
1019.35	n	(A-4944)
1019.40	n	(A-4944)
1019.45	n	(A-4944)
1235.10	n	(A-4658)
1235.15	n	(A-4658)
1235.20	n	(A-4658)
1235.25	n	(A-4658)
1235.30	n	(A-4658)
1235.35	n	(A-4658)
1235.40	n	(A-4658)
1235.45	n	(A-4658)
1235.50	n	(A-4658)
1235.55	n	(A-4658)
1304.10	n	(A-4654)







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